The Cochin Agriculturists' Relief Bill.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Mr. President Sir, I rise to move that the Cochin Agriculturists Relief Bill be read in Council.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I second it.

Mr. K. P. Kannan Nayar *(Secretary to Government):* In making this motion for the acceptance of this House I would like briefly to mention the history of this legislation, the principles underlying it, as also a summary of its main provisions.

There were already two Bills pending consideration of this House on the very same subject, one moved by the Hon'ble Member Mr. Moothedan and the other by Mr. Devassy. So far as the provisions of these two Bills were concerned the Government could not see eye to eye with all the provisions contained therein but at the same time the Government felt that there was real necessity for relief so far as the agriculturists' indebtedness was concerned. The House knows that a conference was held at the Diwan's House on the 30th of March of this year to consider the nature of the relief to be given so far as the agriculturists were concerned and with this object in view members representing various interests, not only members of this House, but others also, were summoned for that conference. The House also knows that there was a full and exhaustive discussion at that time of this whole matter and several points emerged as a result of that discussion which had the largest measure of agreement. The Government appointed a Committee to draft a bill embodying the several points agreed to then, and the Bill that I am now placing before you for your consideration is the one submitted by that Committee. It is the intention of the Government that with the co-operation of this House this Bill should be brought into force from the beginning of next year. The object of the Act is to afford some relief to indebted agriculturists and this is sought to be achieved by—

(*a*) by scaling down of debt by wiping out all arrears of interest up to 1st Chingam 1107;

(*b*) by reducing the rate of interest from 1st Chingam 1107 to 9 per cent simple interest where the creditor is a public company and to 6 per cent simple interest in other cases; and

(*c*) by providing for the discharge of the entire arrears of pattam or michavaram on payment of two years' pattam or 4 years' michavaram over and above the current pattam or michavaram.

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All interest outstanding on 1st Chingam 1107 is to be wiped out and only the principal sum outstanding will be the amount payable by the agriculturists on that date. Interest from 1st Chingam 1107 is to be calculated at the contract rate of 9 per cent simple interest in the case of public companies and 6 per cent simple interest in other cases whichever is less. Any payment made in excess and not appropriated by the creditor towards interest for a period anterior to 1st Chingam 1107 will be adjusted towards any amount as scaled down that may still be due. But, such excess payment is not available for being set off against the principal or towards any future interest.

Future interest as regards debts of an agriculturist is restricted to a maximum of 9 per cent simple interest where the public company is the creditor and 6 per cent simple interest in other cases.

Every person who has a saleable interest in any agricultural or horticultural land and who has not paid income-tax in 1112 or 1113 to Cochin or any other Government or who has not paid property tax to the Municipality in Cochin or outside on an annual rental value of Rs. 300 and above or who has not paid more than Rs. 500 as land revenue to Cochin or any other Government is entitled to the benefits of the Act.

The following debts are not affected by the Act:—

1. Any sums due to Government or to Local Bodies [(Sections 4 (1) (*a*) and (*b*)];
2. Any liabilities in respect of Co-operative Societies or Land Mortgage Bank [(Sections 4 (1) (*d*)];
3. Debts contracted on the security of house property alone in a Municipality [(Sections 4 (1) (*c*)];
4. Any liability arising out of a breach of trust [(Sections 4 (1) (*e*)];
5. Any liability in respect of maintenance [(Sections 4 (1) (*f*)];
6. Sums due at the commencement of the Act to a woman or a minor creditor not owning any other property (excluding the House in which he or she lives, jewellery, etc.) provided that the principal amount of the property owned by the woman or minor in the shape of debts is Rs. 3,000 or less. [(Sections 4 (1) (*g*)];
7. Wages due to agricultural or other Rural labourers;
8. Any balance of purchase money due in respect of immovable property which has been sold [(Section 11(2)];

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9. Any sum declared as costs by any court (Section 12); and
10. Any sum spent to preserve mortgage property (Section 12).

Joint families are also entitled to the benefits of the Act, but if the family as a whole has been assessed to income-tax, profession or property tax or the family pays more than Rs. 500 as revenue, neither the family nor any member of that family is to be treated as an agriculturist. If certain members of a joint family are agriculturists while others are not, the family debt will be divided and the shares of the agriculturist and of the non-agriculturist members ascertained separately. The non-agriculturist members will remain liable for their full share of the debt while the agriculturist members will have their share of the debt scaled down (Sections 5, 6 and 15).

Debt as defined by the Act takes in decree debt also and any amount due under a decree which remains unsatisfied at the commencement of the Act will, on the application of the agriculturist judgment-debtor, be scaled down in accordance with the provisions of the Act. [(Section 3 (3)].

There is provision to stay proceedings for the execution of a decree till the decree is amended. An application, however, for the amendment of the decree has to be made within 60 days of the said order (Section 25).

Costs allowed to the decree-holder in a suit instituted after 1st Vrischigam 1114 is liable to be reduced (Section 23).

Where immovable property of an agriculturist has been sold or foreclosed on or after 1st Vrischigam 1114, the agriculturist debtor is entitled to apply within 90 days for setting aside the said sale or foreclosure (Section 28).

To safeguard the interests of the creditor whose sale has been so set aside, it is provided that alienation of immovable property made by an agriculturist-debtor on or after 1st Vrischigam 1114 is invalid against the creditor concerned. (Section 30).

Where the immovable property of an agriculturist has been sold on or after 1st Vrischigam 1114, the sale will stand, but the decree-holder is required to refund any sum received by him on or after that date in excess of the sum to which he would have been entitled. (Section 27).

Creditors are entitled to apply to the Commissioner of Income-tax or to the Executive Authority of the Municipality for information as to whether their debtors have been assessed to income-tax or to profession, property or house tax and the information furnished by the said officers is receivable as evidence in courts of law (Sections 31 and 32).

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All arrears of pattam, michavaram and interest thereon payable by an Agriculturist accrued due up to the end of the last day of Karkadagam 1113 and outstanding at the commencement of this Act is to be deemed to be discharged if the following conditions are satisfied:—

(*a*) in the case of pattam—

(1) if he pays in respect of the holding the pattam due for 1114 on or before the last day of 1115, and

(2) if he pays not later than the last day of Karkadagam 1115 an amount of pattam equal to the pattam of the holding for the years 1112 and 1113 either in lump or in instalments.

(*b*) in the case of michavaram—

(1) if he pays in respect of the holding the michavaram for 1114 on or before the last day of Thulam 1115; and

(2) if he pays not later than the last day of Karkadagam 1115 the amount of michavaram equal to the michavaram of the holding for the years 1110, 1111, 1112 and 1113 either in lump or in instalments. (Sections 16 and 17).

Though the arrears of pattam and michavaram are to be wiped out as set forth above, the landholder can, in a suit for eviction where the value of improvements have to be paid to the tenant, set off the same with 6 per cent simple interest against the value of improvements due to the tenant. (Section 18).

In proceedings for the recovery of pattam or michavaram, the court is to scale down all interest in excess of 6 per cent per annum simple interest. (Section 20).

The pattam payable by the mortgagor to the mortgagee on a lease back of the mortgaged properties is for the purpose of the Act be construed as interest. (Explanations to Sections 9 and 16).

These are the main provisions of the bill and the hon'ble members will see that in drafting this bill we have kept the Madras Act as a model. No doubt, there are radical differences. The Madras Act wipes out the principal also but here we have taken particular care to see that the principal is not touched, as I mentioned at the outset. This Bill is based on the largest measure of agreement that was arrived at the conference and the Government could not go any step further than that was agreed upon. Now, after this bill was published it was sent for the opinion of several institutions and individuals and a printed summary of all the opinions received are now placed in the hands of the several hon'ble members so that their work will be rendered very easy in the matter of moving amendments or making any other suggestions that they like either in the Select Committee or after the Select Committee

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stage, because my intention is, as soon as this motion is accepted by the House to move that the Bill may be referred to a Select Committee. In fact, we have received a large volume of opinion of those for and against each and every provision and even the preamble has been subjected to a careful consideration. That will make the work of the hon'ble members easy.

I request the House may be pleased to accept my motion.

The House rose for lunch at 1-10 p. m. and re-assembled at 2-45 p. m. with the Hon'ble Deputy President in the Chair.

Mr. M. K. Devassy *(Adur):* Mr. President Sir, I rise to support the motion independent of the question whether the Bill satisfies our aspirations or not. I feel supremely happy at the belated birth of this long expected Messiah for whom the world was prepared not by one John the Baptist but three in the form of non-official bills before the House, although in doing so I wish to make it clear that the Bill falls too short of the legitimate aspirations of a vast majority of the people of Cochin who were expecting not an imbecile Saviour but one at whom prophets will rejoice and Herods tremble. All the same, considering the proverbial fate of the non-official Bills passed by this Council I am led to appreciate the wisdom of the public in thinking that the best method of dealing with a Government where there is no full responsible Government is to snatch at what little that is offered in the beginning and fight for more in afterwards. So far as I can see, Sir, the introduction of this Bill is a landmark in the history of this Council for it has proved beyond doubt the readiness on the part of the Government to reconsider its views on finding that they were in the wrong and we were in the right and also the happy realisation on the part of the Government that the time is come when opposition for the sake of opposition should stop for, nothing can come out of a discussion where one side lacks in responsibility and the other responsiveness. With due regard to the sense of parliamentary ettiquet that prompted the Government in its readiness to revise their views and make amends for the utter indiscreet manner with which the non-official Bills were treated by the Treasury Bench I take this opportunity to assure the Government that it has always been a matter of anxious and serious consideration of those on this side of the House to see that we never transgress the limits of responsibility in explaining oun views before this House, the more so when we have been called upor to share the responsibility of the Government. I may also say that no one is more prepared than I am to appreciate the difficulties that confront the Government in handling a problem of this sort. One is only too well conscious of the fact that the Government hedged between the creditors and the debtors, the haves and the have-nots, is jammed by many a hydraulic press of varying capacity. But I would

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like to take this opportunity to remind the Government of the fact that the barriers of conservatism cannot keep the Government long caged for, the force of changing times will compel it to change its policy and adopt more progressive methods. My object, therefore, is to induce the Government to exhibit a generous policy and accept as many progressive amendments as possible, so that the Bill may be useful to the public. I would also suggest to make matters easier and to make the work of the Select Committee as well as this House more pleasant and easier, that it would even be better that the Chairman of the Select Committee places before the Diwan the tentative proposals of the Select Committee so that the views of the Government may be transmitted to the Select Committee before it comes to a final conclusion, because we are anxious that while we do not stand in the way of the Government in making the measure as much progressive as possible it should not be said that we have stood in the way of people getting a relief.

So far the provisions of the Bill are concerned, the statement of Objects and Reasons has made it very clear that we cannot go beyond the interest portion of the Bill. That in a way serves to avoid a good lot of unnecessary discussion on the scope of the Bill and the extent of the relief which the bill seeks to give. I would like to make an observation with regard to some of the cardinal principles that have been accepted in sections 8 and 10 of the Bill. Section 8 of the Bill seems to say that all the arrears of interest up to 1107 are cancelled so far as the outstanding portion is concerned. It would appear from an apparent perusal of that section that what has been attempted by the Government in drafting the section is to copy the corresponding section in the Madras Act. I would like to point out that there is a fundamental mistake committed in copying that section if it is intended to be copied. The Madras section says that so far as the debts incurred before 1932 are concerned all the arrears of interest up to 1937, namely, the date of the passing of the Bill, are cancelled. If, therefore, this section is intended to be a copy of that particular section the arrears of interest outstanding on the 1st of Chingam 1115 ought to be cancelled so far as debts incurred prior to 1107 are concerned.

Then, what are the implications of section 10 of the Bill? While section 8 seems to give some relief to the debtors in the shape that arrears of interest up to 1107 are cancelled section 10 nullifies the effect of section 8 and takes away with the left hand what is offered by the right hand. Section 10 says that wherever documents have been renewed the renewed principal, i. e., the original principal plus whatever interest that has been accumulated and included in the renewed document, will be treated as principal for the purpose of this Bill. I would like to point out that, I suspect in drafting this

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Bill the Government has kept some margin so that it may accept the amendments brought forward in this House. Otherwise, I cannot possibly conceive how the principal could be so transformed as to mean the renewed principal which on no account can stand the test of scrutiny. There are only two arguments for the scheme of the Bill that only the interest portion can be touched. One is that it will be rather hard upon creditors to compel them to treat as principal the amount once received as interest and to allow a set off towards the principal. While one can very well appreciate that stand on the part of the Government that what once has been received in the shape of interest should not be allowed to be set off against the principal one cannot certainly appreciate this section. The other justification probably for the section is with regard to the capacity of the debtor to pay. It may very well be argued by the supporters of section 8 that a debtor whenever he had the capacity to pay has paid and, therefore, there is no necessity to extend the relief to such a debtor who, because he had some capacity has already paid the interest, and consequently a set off should not be allowed. Even that principle cannot be applied to this case. The very fact that they have renewed the document and included the unpaid interest in the new document shows that he is incapable of paying. So I would like to suggest to the Government that if this Bill ought to be of any substantial relief to the people section 10 of the Bill ought to be deleted. The Government ought not to fight shy of that ideal. I can very well understand that possibly the reason that has prompted the Government to retain that section is the difficulty of reopening the accounts that would have been presented before the Government by interested parties. My answer to that argument is that the Government should understand the real sense in which the difficulty has been placed. The real sense is that these difficulties are always placed before the Government by creditors who would make mountains out of mole-hills provided they would assist them to have one section in their favour or to avoid one section against them. I believe that in spite of the dandupat principle of Nanafernavis and in spite of the principle of allowing set off in the Madras Bill and in spite of any number of re-opening of accounts those creditors in the Madras Presidency did not think of committing suicide. So that to say the least with regard to this section the mountainous difficulty suggested with regard to the reopening of accounts is a simple bunkum and I want the Government to muster up courage and to fight such bunkum. I was hearing with some sort of perplexity from the Hon'ble Secretary to the Government in introducing the Bill that the Bill practically incorporates some sections on decisions which are arrived at as a matter of agreement in a certain conference held in the Diwan's Bangalow. If what has been said by the Government Secretary means that the decisions arrived at that particular

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conference are binding on any one of us I wish to repudiate such liability and I wish to make it clear that any member who has participated in any conference that has been held outside this House, his participation is only in his individual capacity and so far as the members of the Cochin Congress Party are concerned they shall not be bound by any agreement so that in commenting on this Bill and in trying our best to make it as beneficial to the debtors as possible let it be clearly understood that we are not going behind any of the supposed agreements that have been arrived at in any conference of which we are not aware. *(Hear, hear).*

The other amendment I would suggest is with regard to the cancellation of arrears of pattam and michavaram. Section 16 of the Act says that certain portion of the arrears of pattam will be cancelled provided three years' pattam are paid within one year from the passing of this Bill. I am rather surprised to find that in the attempt on the part of the Government to follow the Madras Act scrupulous attention has been paid to retain those mischievous portions of the Madras Act in this Bill. One such is this portion dealing with the payment within one year of the passing of this Bill. I would ask the Government and the House how, for a moment, they can think that a tenant who, because of his incapacity to pay did not pay the arrears of pattam or the current year's pattam when they were due and has allowed the pattam to accumulate for a long time could be asked to pay three years' pattam in one year and then say you will get the benefit of the Bill. Such a proposition is rendering the benefit of the section impracticable and useless to the people and as indirectly making the benefit that is sought to be afforded not available to the people for whom it is intended. I would, therefore, urge upon the Government to accept a feasible amendment so far as the conservatism of the Government will allow and to give the tenants a reasonable time within which they can make payment and whenever any payment has been made to allow a proportionate relief of cancellation so far as that payment is concerned. I shall make myself clear. Suppose we extend the period of one year to two years and within the two years only one year's pattam is paid by the tenant. I would say that the cancellation of one-third of the arrears of pattam should be effected.

I find another section in the Bill which says that whenever in suits for eviction the value of improvements has to be paid by the landlord the full arrears of pattam ought to be allowed to be set off towards the value of improvements. That is in a way a very feasible section and to some extent supported by logical positions. But I would like to suggest one probable difficulty that might occur in putting the section to action. The difficulty will be that after the passing of the Bill it might so happen that a landlord, simply to defeat the tenant or simply to compel the tenant to give up the relief under

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the Bill may institute a suit and such a landlord will get the benefit of setting off the whole arrears of pattam towards the value of improvements. I believe this section will put into play more of mischief than benefit because it will increase the number of eviction suits as long as there is no permanency of tenure in Cochin State. I would, therefore, suggest that if the House and the Government agree in thinking that if such a section ought to be retained it would be necessary to further stipulate that, only wherever the court finds that the tenant is at fault, the landlord should be given a remedy in this shape. In all other cases where the suit is voluntary this relief should not be extended.

In addition to these suggestions I would like to place before the House one or two suggestions which are not at present in the Bill. One suggestion is, as has been shown in the Bill introduced by the Cochin Congress Party, to introduce provisions allowing instalments for payments of scaled down debts. I can say that as a matter of fact I had occasion to converse with many people on days immediately succeeding the introduction of my Bill and they were finding fault with me in a way in not expediting the proceedings so as to give them immediate relief. It so happened that I asked some of them whether, assuming that all the arrears of interest will be cancelled and the creditor will demand only the principal, will they be in a position to pay immediately and the answer was a definite 'No'. I, therefore, think that any number of legislations relating to this topic cannot improve the problem unless you give the necessary conveniences for the payment of the principal. It is only a plain fact that the agriculturists of Cochin are now wanting in credit. It would therefore be rather doing a positive harm to the people if we pass this Bill without a provision for instalments and without giving them convenience to pay. It was suggested by some members who hold the opposite view, in some of the informal discussions I had on this matter, as to how can they possibly allow time also in addition to the cancellation of interest. The answer is that as a matter of fact it is not with the object of putting the creditor to greater difficulty that we say that instalment provision should be made. It is with a view to really help them. When there is a provision to pay by instalments, the debtor feels that if he does not pay, he will have to undergo the penalty of an impending suit and paying the whole amount in the next instalment. This fear on the part of the debtor will be an incentive to make payments towards the debt and finally to pay off the whole debt to the creditor. So that this will be really helpful to the large number of creditors who want to avoid litigation and I hope that with a proper provision for instalment payment this Bill will be a very useful Bill for the people concerned.

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One suggestion more I would like to make is with regard to kuries. A large portion of the people of Cochin are now involved in kuries. As a matter of fact these people who have joined the kuri at a time when out of their income they were able to pay are no more in a position to pay. So that if formerly they expected to pay Rs. 1,000 for kuri they are not now in a position to pay even Rs. 500 towards that kuri. The result is any number of defaulters of kuries and any number of suits. This suggestion was once considered by the Antony Committee placed before the Government and the Government issued a Proclamation in pursuance of it. The suggestion of the Antony Committee was to reduce the number of annual instalments to half and to prolong the period of the kuri unconditionally. The Antony Committee further suggested that the interest over the kuri instalments which ought to be paid by a prized subscriber ought to be collected by the foreman and the same should be divided among the non-prized subscribers during the next instalment. They suggested a method whereby they thought a real relief could be given to the people. When that recommendation was considered by the Government it is curious indeed to find that the real portion which gives life to the suggestion, namely, halfing the number of annual instalments unconditionally, was taken away. The Proclamation says that you should get the consent of the majority of the non-prized subscribers. I wonder at the possibility of such a thing taking place as these subscribers expect to win the kuri by the next instalment. Therefore, the Proclamation of the Government has really lost its life and the recommendation of the Antony Committee has been rendered a dead letter by means of the Proclamation. I can understand the Proclamation continuing as such in a permanent piece of legislation because it would be rather meaningless to include such a provision in a permanent kuri legislation which contemplates all kuries coming into existence in future. Therefore, the Committee which considered that Bill was perfectly justified in thinking that no alterations were required so far as the permanent legislation is concerned. This particular amendment which I suggest is a matter of temporary relief which ought really to find its place in a measure of this kind. I would, therefore, suggest that the inclusion of that provision will serve a useful purpose.

These are some of the general observations I would like to make. It is rather a perplexing position to enter into details because I happen to be a member of the Select Committee. At the same time I would like to ascertain the views of the House on these suggestions. I have, therefore, made these suggestions in the best spirit of co-operation both with the Government and the House and in the hope that the Government will not stand in the way of pushing

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through as many progressive amendments as psssible. With these few words I beg to support the motion.

Mr. K. Ashtamoorthy Namboodiripad *(Landholders)*: Sir, at the very outset I want to make one observation with regard to one matter mentioned in the speech of the Hon'ble the Secretary to Government when he introduced the Bill. He mentioned about a conference in which this Bill was discussed and he said that it was as the result of the unanimous opinion of that conference that this Bill was introduced by the Government. I may inform the House that nobody was invited to that conference to represent the land-holders of the State and it is no wonder if this Bill happens to be the result of the unanimous opinion of such a conference because the only interest which is most prejudicially affected by this Bill is the Jenmis. I am fully aware of the uselessness of my opposition. Still as I consider it my duty to represent the views of my constituency, I place the following facts for the kind consideration of the House.

Sir, it is with deep regret that I rise to oppose this Bill. I intend to speak at this stage only about the general principles under-lying the Bill so far as it affects the landholders.

The main objects of the Bill as stated in the objects and reasons are two-fold, viz., to reduce the rate of interest stipulated under more favourable conditions and to give some relief in the matter of the payment of the arrears of rent. These reliefs are intended to be given to the agriculturists of the State, the reason being that the economic depression has hit them very hard.

It is true that the economic depression has hit the agriculturists very hard and it is also true that they are in need of some relief. But we must consider here who are the agriculturists and who all want relief under this Bill. In my humble view, Sir, all persons whose main occupation or main source of livelihood is agriculture, are agriculturists and all such persons should be given the relief contemplated in this Bill. So the restriction placed upon the defini-tion by proviso (*d*) to Section 3 (*ii*) is, it is submitted, unnecessary and hard.

This economic depression arising out of the decrease in the price of agricultural produce that has necessitated this piece of legis-lation has affected the jenmis equally, if not more than, the tenants, because the main source of livelihood of the jenmis is out of the rent *in kind* derived from tenants.

There is a misapprehension in the minds of many people that those paying more than Rs. 500 as land revenue are well off and they need not be given any relief. At the very outset I want to correct this mistake. I am not able to understand the reasons which

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promoted the Madras Government to fix this limit to the definition of agriculturist in their Bill. The only explanation that I am able to offer is that they either did not know the condition prevailing in Malabar or they did not care to know them. From my own personal experience as a practising lawyer and also as a landholder in British India, I know to some extent at least the financial condition of many of the landholders who pay more than Rs. 500 as land revenue to the Government. Except a few jenmis, say a dozen, at the top, all other landholders are affected by this economic depression. Instead of giving them the much needed relief, the passing of the Madras Act has ruined many of them beyond redemption.

The condition of jenmis in our State is not far different from those in Malabar. They are in the vast majority of cases heavily indebted and stand in need of relief, as much as, if not more than other people. I say this, not for the sake of any argument in favour of giving relief to the jenmis. If the Government is pleased to take statistics with regard to the financial condition of the jenmis in the State, it will be seen that even five per cent among them are not free from heavy indebtedness due to the economic depression. After paying the land revenue on the property and interest on their debts, many of them are not able to make both ends meet. There are also many cases in which their properties are sold every year by revenue authorities for not paying the land revenue.

As observed by the Hon'ble the Diwan Peishkar and also the Hon'ble the Secretary to the Government in last Vrischigam when they opposed the Bills brought forward by the hon'ble members for Chalakkudi and Adur respectively, the one great objection to this bill is that it does not take into consideration the paying capacity of the debtors.

It is presumed that a person paying Rs. 500 or more will be able to pay his debts and so he is not in need of any relief. In so many cases the patta alone will be in the name of the jenmis. All his properties will be in the possession of other persons, either as possessory mortgage or as kanam. What is the remedy in such cases? Is it equitable and just, to deny the relief contemplated under this bill to those who unfortunately come under the category of persons who pay more than Rs. 500 as land revenue? I can definitely say that many jenmis in the State who pay more than Rs. 500 as land revenue are jenmis only in name. So it is both unjust and arbitrary to fix this limit.

As is obvious, jenmis paying a tax of Rs. 500 or upwards are at least as much in debt, as much standing in need of relief as the tenants and other pattadars. It may be observed here that the Government recognised this fact as early as in 1110 when the Government granted temporary relief to Agriculturists by the Proclamation

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dated 13th Karkadagam 1110 staying execution of decrees against agriculturists for 6 months. The term agriculturist was in that Proclamation defined as meaning any person whose main occupation or main source of livelihood is agriculture. Instances are not wanting of jenmis paying a tax of over Rs. 500 having had to take advantage of and benefitted by the said Proclamation. So the relief with regard to the high rate of interest shall be made available to all agriculturists whether they pay Rs. 500 as land revenue or not.

I have now to make one or two observations with regard to the other object of the Bill, namely, wiping off of arrears of rent and michavaram. The lands of the jenmis are held by tenants mainly under kanam and verumpattam tenures. In the case of kanam tenures, one-fourth or one-third, in no case more than one-third of the verumpattam is fixed as the kanapattam (Section 12, Cochin Law Reports, page 7 and Cochin State Manual, page 301). From out of the kanapattam, the Sirkar revenue and the interest on the kanam amount paid by the tenant is deducted and the balance alone is the michavaram. Except in a few instances, the michavaram is payable in kind. It is this michavaram that the jenmis get and it is this that is going to be wiped off.

By a series of Acts, all kinds of restrictions and limitations were placed on the rights of the jenmis as regards redemption of kanam, renewal fees and other dues. The jenmi is generally bound to recognise the partition of the kanam holding into howsoever small slices it may be split. The michavaram to be collected is in many cases so small as an edangali of paddy or even less.

Sirkar tax was being collected from the occupiers or cultivators before the settlement. After settlement pattas were issued to the jenmis who were thereafter looked to by the Government for the tax. No doubt the issue of patta to kanamdars is sanctioned by the Cochin Joint Land Registration Act, but such issue has not become common.

As regards verumpattam tenants who hold directly under jenmis, the tenure is profitable to the tenant as in such cases a very low pattam is fixed, far below what is called the karipattam, i. e., the amount arrived at after deducting from the produce the cost of cultivation and a reasonable profit for the cultivator. The rate of pattam is inversely proportional to the bigness of the jenmi, i. e., the bigger the jenmi, the lower is the pattam. Fixing a low pattam and enabling the tenant to earn from the holding was regarded as adding to the prestige of the jenmi. In many instances the pattam fixed by the jenmis would be found to be only twice or thrice the

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Sirkar tax. Moreover, verumpattam holdings directly under the jenmis are often very big ones. There are very many cases where tenants do not themselves cultivate, but sublease to smaller tenants under them on a higher pattam. These intermediaries, whether kanamdars or verumpattamdars, are in many cases not actual cultivators and they collect the pattam from their lessees and will not allow the rent to fall into arrears. So this Bill will mostly affect the jenmis only.

The reason for the legislation being the diminution in the price of agricultural produce, and the productive capacity of the soil, not having diminished to provide for wiping off of the pattam and michavaram, payable in kind, is without any justification. I have heard some hon'ble members saying that the rent has fallen in arrears due to the fault of the jenmis and so they need protection. They say that the jenmis were not diligent enough to collect them. If the dues have not been collected, it is due to the jenmis' leniency shown for the benefit of the tenant. Admittedly, the depression began about the year 1107. What about the suits for sale filed before 1107 and still pending in execution. Whenever the property of a tenant is brought to sale, he prays for adjournment and the sale is postponed if the tenant pays a very small fraction of the decree amount. The Government has stated on the floor of this House that the High Court has issued circulars to all subordinate courts to stop all sales if the judgment-debtor pays some small amount into court and ask for an adjournment. In such cases, is it the fault of the jenmis that they were not able to collect the arrears? Many such execution petitions are still pending in all the courts in the State. Moreover, Sir, to file suits for recovery would, in cases where the amounts are small, mean a loss to the tenant by way of costs, many times the amount that the tenant has to pay as pattam or michavaram.

While granting relief to the tenants on account of their incapacity to pay, the suffering capacity of the jenmis also should be considered. As observed by the Hon'ble the Secretary to Government in this House in last Vrischigam, when he opposed Mr. Devassy's Bill, this Bill also completely ignores the suffering capacity of the jenmis.

Sir, I have to make one more submission with regard to the wiping off of arrears of rent. The pattam and michavaram due to the jenmi is really principal amount due to the jenmies and consistently with the principle underlying the proposed legislation, as stated in the objects and reasons, that rights in respect of principal amount ought not to be affected, the provision for wiping off ought to be deleted. In any event as the interest on debts are allowed from 1st Chingam 1107 wiping off of the arrears of rent from 1st Chingam 1107, would be hard and opposed to the principle of the

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other sections of the Bill. The only result in passing this Bill is to penalise both the good landholder as well as the good tenant. The landlord who suffered his rent to fall into arrears due to his sympathy towards his tenants is punished by this Bill and the landlord who has taken the full process of law to collect the arrears is unaffected by its provisions. In the same way, the good tenant who has paid all his arrears is not benefitted while the refractory one who has kept it in arrears goes scot free.

Sir, I have at least one consolation. The Government have at last admitted that the agriculturists are in need of relief. May I request the Government to act up to their words ? During all these years of depression the Government have not shown an atom of sympathy towards their own tenants, i. e., tenants under the Devaswam Department. When the market price for paddy was 5 annas per one para and below it, the Devaswam Department collected in some years at 7 annas and in some years at 8 annas. During those years in which Government was pleased to give remissions in land revenue, the Devaswam Department refused to allow this remission to their own tenants. Yet the Diwan Peishkar throws the whole blame on the poor jenmis for not allowing remission to their tenants. The Government itself is the worst sinner in these respects. This Bill will not do any benefit to those tenants under the Government. For one thing, there will be no arrears, because the Government would have collected them under the Revenue Recovery Act. For another thing under section 4 (2) Government may by notification exempt any institution or estate under their management. More than 75 per cent of the cultivable lands in the State are under the direct management of the Government, namely, the Devaswam Department, and estates like V. T. K. Paliam and other Kovilagams. So the net result is, that a small per cent of private jenmis alone will be prejudicially affected. The benefit also conferred by this Bill is only to a handful of tenants under these private landholders. The Bill as it is, does not confer any benefit or relief to the jenmis. On the other hand they are made to suffer all the losses consequent on the passing of this measure. Sir, the lot of the jenmis is bad enough as it is, and to pass the proposed Bill into law as such, would be to cause disaster and certain ruin to many of them. For these reasons I oppose this Bill.

Mr. V. J. Mathai *(Planters):* Mr. Deputy President, Sir, I venture to assert that nobody who has the interest of the agricultural community at heart will ever oppose this Bill, and that probably was the reason why there was almost a practical unanimity on the question of affording some relief at this juncture when the agriculturists are—if I may say so—in great distress. And I am very

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glad to note the changed attitude of the Government and I congratulate the Government on this. Having opposed very many of the underlying principles of the 2 Bills which have been introduced in this House, the Government, recognising the volume of opinion in support of the principles underlying it, has taken upon itself the responsibility of introducing a Bill of this nature and seeing that it is run through. I feel that every agriculturist in this State ought to be grateful to the Government for recognising the large volume of opinion in favour of the introduction of this Bill and for taking upon itself the responsibility on its own shoulders. For otherwise, if a non-official Bill according to the rules and precedents of this House were allowed to be piloted by a non-official it would have taken 3 or 4 sessions for the Bill to become law and by that time the mischief that was sought to be prevented would have been done. For this reason the Government deserve the congratulation of the people for the attitude shown by the Government in introducing this Bill. All the same, though I can congratulate the Government on the attitude shown, I must at the same time point out to the Government, which has shown a readiness to judge at the very last moment, the some great imperfections which are seen in certain provisions of the Bill. The very first that suggests itself to me is with respect to the discretion vested in the Government to exempt anybody and everybody from the mischief or the benefit of this Bill. If such a wide discretion is left to the Government it will cast suspicion upon the sympathies shown by the Government in this behalf. It seems to me that having consulted the House upon the provisions of this Bill, to reserve to itself the right of exempting anybody and everybody, is trying to take by the left-hand what is offered by the right. That therefore seems to me to be a stultification of certain provisions in the Bill. I may take the V. T. K. Estate and certain other Estates and the Paliam Estate for example. If the Government were to declare tomorrow that the Paliam Estate will be exempted from the mischief of this Bill, such a declaration will be, as I said, a stultification of the benefits sought to be conferred by the present Bill. Therefore I would impress upon this House the necessity at the Select Committee stage to narrow down the limits of the power vested in Government to take away from the operation of this Bill certain institutions and persons.

Secondly another exemption which is apparent on the face of the Bill is the Co-operative Societies. Everybody knows that practically 75 per cent or even 90 per cent of the Societies are in rural parts and moneys have been invested there by agriculturists and moneys have been borrowed by agriculturists. A vast majority—in fact 100 per cent of the borrowers from the Co-operative Societies will

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be agriculturists. Therefore I do not see any reason why the Co-operative Societies in rural parts should be exempted. I have already raised my objection to the inadvisability of leaving a vide discretion to the Government in the matter of other institutions.

Then another important change that seems to me to be necessary in the provision of this Bill is the necessity of giving longer time for payment of arrears of pattam and michavaram. The Bill now says that "unless you pay your arrears of michavam for 4 years on a particular day you will not get the benefit of this Bill". It becomes a sort of penalty for non-payment. We have to reckon with the fact that with the introduction of the Bill money-lenders will be rather shy in giving their money to the agriculturists, and when that is noted we have to remember that it will be very very difficult for agriculturists to get loans to wipe off the arrears of pattam and michavaram within so short a time as is given. I am therefore strongly of opinion that a longer period of time ought to be given for payment of michavaram and pattam. I am very glad that the Bill has gone through one stage *i. e.*, reference to the Select Committee. I must point out for the benefit of the Select Committee as well as of this House and the public that the responsibilities of the Select Committee are very very great. They have in the first instance to give relief to the agriculturists and while giving relief they have to bear in mind that the credit system is not impaired to a very great extent, because if I may say so and I am speaking on behalf of the agriculturists and I am one of them—there is no benefit if a man's land is sold for 1,000 Rupees when the original debt was Rs. 1,500. If land is sold away for a smaller sum it is no consolation that the debt has been scaled down. Therefore there is the great duty upon the Select Committee to draft the Bill in such a way as not to impair the credit machinery of the State, to a very great extent. I may cite instances of complaints received from agriculturists from rural parts. No loan is now made to agriculturists at all. Intending creditors demand pronotes and mortgage deeds for higher sums than are actually lent. In some cases prospective money-lenders want lands to be transferred to them before money is borrowed. This is a consequence which is the result of the rumour of a Bill. When on the rumour of a Bill its effects are so great we have to beware of the effect of a Bill which passes into law. The Select Committee, I am sure, will consider this aspect of the question.

Then again the trading system of the State also should not be impaired to a great extent. We find from the instance of America that when depression began in the land every effort was made to spread out money as far as possible, to increase the circulation of money. What blood is to the body of a person, money is to the body politic; when there is want of blood in one part of the body

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it is not safe to keep the blood in one part refusing to feed the other parts of the body. If there is loss of blood there must be a transmission of blood so that the blood circulation may be vigorous. That principle also ought to be borne in mind, in this connection. If the trade system and the credit system are impaired.....

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Will it affect the credit system of the State?

Mr. V. J. Mathai *(Planters):* I am not a great lover of interruptions. Therefore I ignore interruptions and I, proceeding, say that it will be a great calamity for the agriculturists themselves if the credit system and the trade system of the country are lost, since the produce of the agriculturists will not fetch any value. They cannot be sold outside if there is no proper trade system. A poor agriculturist who wants to send his son for education will not get money as a loan and again if the poor agriculturist who wants to save his land by paying arrears of michavaram does not get any amount as a loan, often times you will find that his lands are sold even for the scaled down showndebt. It is no consolation for an agriculturist if his land is sold for Rs. 1,000 instead of for Rs. 2,000. From the point of view of the agriculturists great care has to be taken that while relief is given to the agriculturists that relief does not become the cause of his ruin. I may assure my hon'ble friends that this is a complaint which is received from rural parts. There are instances where their credit has been affected to a tremendous extent. If care is not taken it will be a case of killing a few agriculturists and giving them as food to a few other agriculturists. I do not know whether that will be for the good of the agriculturists. Therefore I say that while we should have in mind the necessity of giving relief to the agriculturists, which is sorely needed, we have to bear in mind that the credit system and the trade system of the country are not affected in a very great measure. I would therefore, while supporting this Bill once again draw the attention of the hon'ble House to the imperfections which have come uppermost in my mind as well as of the necessity of safeguarding the interest of the agriculturists themselves by keeping certain safeguards and by enacting legislation within certain limits so that the body corporate may not suffer. It is no good if a few limbs are affected and at the same time the others are in good order. What is the benefit if the muscles of one arm develops at the cost of the muscles of the other. That is the point which I want to make.

I am a great sympathiser of the agriculturists. I am an agriculturist, the son of an agriculturist and the grand-son of an agriculturist. My sympathy for agriculturists is not less than that of my hon'ble friend who interrupted me and I say that I have only the

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welfare of the agriculturists in mind when I say all this. I therefore hope that good sense will prevail and that a wise measure will come out of this Bill which will be to the good of all and to the good of the body corporate.

Mr. N. Govinda Pai *(Gowda Saraswath Brahmin):* Mr. President Sir, the avowed object of this Bill is to give relief to the agriculturists on account of the depression having set in after 1107. To give effect to this object it does not seem necessary to wipe off the whole or any portion of the interest which accrued during or before 1107, when there was no depression at all. The non-payment of interest before 1107 cannot be due to the incapacity created by the depression but must be due to gross negligence. It is therefore unnecessary and unreasonable to limit the right of the creditor to receive interest from any period.

In attempting to protect the interests of the agriculturists the commercial class is hardly hit, although some provision has been made to eliminate a small section of this class from the purview of this Bill. It is not the intention of this Bill to penalise in any way the commercial community and so it will only be fair that the commercial debts as a whole are distinguished from the agricultural debts and exempted from the action of this Bill. The trading community may be allowed to collect their debts due to them on account of goods or cash advanced only for the purposes of trade. But if the advances were made for purposes other than trade there is little objection that these debts may be treated as other than commercial debts although the advances be made by a trader.

It is a great inequity to allow a banker to collect 9 per cent interest from a trader whereas the trader who more or less depends upon a banker for finance is given a right under this Bill to collect his debts only at 6 per cent interest. This is an anomaly which has to be set right and the banker and the trader has to be put on the same footing with respect to the rate of interest chargeable on their debts.

In the matter of sections 16 and 17 the relief intended to be given seems to be beyond the needs of the case. Depression has not completely disabled the tenants from paying anything in the shape of pattam. They could very well give a portion of the produce as pattam instead of its equivalent in money. There is no grievance that the properties have not yielded during the depression period anything less than that they were yielding before. In the case of cocoanuts the price fixed by the Government for calculating the value of the improvements under the new Tenancy Act is $\frac{3}{4}$ of what was fixed under the old Tenancy Act of 1092 presumably because there

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is an average reduction which the commodity has gone down in price after 1092. It was consistantly with this principle that the Sirkar when it assumed management of the Paliam Estate gave a reduction of the pattam to the tenants to the extent of $\frac{1}{3}$ of the total amount. Even in the matter of this reduction the pattam due before 1107 was left untouched presumably because there was no depression before 1107 and that non-payment of pattam before 1107 could be attributed to only unwillingness or negligence on the part of the tenants for which no equitable relief need be granted by the Government. The Paliam tenants were amply satisfied and the whole scheme worked very satisfactorily. One cannot find any reason why there should be any departure from this principle when dealing with cases between two ordinary individuals.

Again purchase of agricultural lands has been a sort of investments in this State as in others. On investments in the shape of mortgage and simple loans the Bill does not propose to take away the right of the creditor to get interest on the money invested before the year 1107. Such being the case it is very harsh on the landlords that they should be deprived of all benefits that accrue to them from their lands. Landlords may have been lenient to their tenants and not pressing for the pattam and not bringing suits to damnify them. This Bill would be a penalty for their kindness and generosity.

There are a large number of pattam chits in which no provision is made for payment of tax by the tenants. In all such cases the landlord being the pattadar is bound and has been paying the Government tax. For otherwise his property would be distrained. Now the result of this Bill is to make him a loser from out of his pocket even for the tax and interest thereon. In these circumstances, it would only be fair that (1) there should be no limitation as to the number of years' pattam that the landlord is entitled to realise from the tenant. If however it is deemed necessary to do so to any extent the period of two years may be enhanced to the period from 1106 as in the case of the Paliam tenants and the amount may be reduced to $\frac{2}{3}$ without any interest; (2) To this must be added the Government assessment which the land-lord has paid with interest at 6 per cent from the date of payment; (3) Time for payment may be extended according to the amount fixed.

Now, my hon'ble friend said that Co-operative Societies must not be exempted from the provisions of this Bill. My little knowledge about Co-operative Societies shows that most of the Co-operative Societies do not even now work to the satisfaction of the Department itself. The constitution of the Co-operative Societies is as follows: A few persons join together and apply for a license for running a Co-operative Society. After one or two years the Society

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applies for a loan from the Central Co-operative Bank and distributes out all the loan to the Agriculturists or to non-agriculturists according to the membership of the Society. Unhappily it is found that most of these advances are freezed. Now if Co-operative Societies are not exempted from the purview of this Bill the result would be that the investments of these Co-operative Societies would become more frozen, and it will be very difficult to collect the loans advanced. The effect will be the Co-operative Central Bank will be losing a heavy sum and it is a serious matter for the Government itself to consider before taking the suggestion of my predecessor. With these reservations I support the Bill.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഒരു കാൺഫറൻസിനെപ്പറ്റി ഇവിടെയുണ്ടായ ചില അഭിപ്രായ പ്രകടനങ്ങളെക്കുറിച്ചു മാത്രമേ എനിക്കു കാര്യമായി പറയാനുള്ളൂ. ദിവാൻസ് ഹൌസിൽ വിളിച്ചുകൂട്ടിയ കാൺഫറൻസിൽ കടം കൊടുത്തവരുടേയും കടക്കാരുടേയും മറ്റും പ്രതിനിധികളായ ചിലരെ വിളിച്ചു ഒരു ആലോചന നടത്തി. ആ ആലോചനയിൽ നിന്നുണ്ടായ തീരുമാനത്തിന്റെ ഫലമായിട്ടാണ് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ബഹുമാനപ്പെട്ട സിക്രട്ടറി അവർകൾ പറഞ്ഞു. അതിൽ കൂടുതലായിട്ടൊന്നും ആ പ്രസ്താവനയിൽ ഇല്ല. ആ കാൺഫറൻസിൽ ഉണ്ടായ തീരുമാനം ഒരു മെമ്പർമാർക്കും ബാധകമല്ല. എത്രത്തോളമെങ്കിലും കടം വെട്ടിക്കുറക്കണമെന്നു പറയുവാനുള്ള പൂർണ്ണസ്വാതന്ത്ര്യം എല്ലാ മെമ്പർമാർക്കും ഉണ്ട്. കടത്തിൽ നിന്നു ഒരു പൈ പോലും വെട്ടിക്കുറക്കരുതു് എന്നു പറയണമെങ്കിൽ അതിനും എല്ലാവർക്കും പരിപൂർണ്ണ സ്വാതന്ത്ര്യമുണ്ടു്, അതു് ഈ ബിൽ ഇവിടെ കൊണ്ടുവന്നതിൽ നിന്നുതന്നെ അറിയാം. ഈ ബില്ലിന്റെ മേൽപറഞ്ഞ ഉത്ഭവത്തിനു് ഒരു പ്രയോജനമുണ്ടു്. അതു ബഹുമാനപ്പെട്ട ഗവൺമെൻറ് സിക്രട്ടറി അവർകൾ ഇവിടെപറഞ്ഞു. ഇപ്രകാരനിയമനിർമ്മാണം ഒരു യഥാർത്ഥലോകത്തിൽ കൂടിയല്ല ചരിക്കുന്നതു്; കൃത്രിമലോകത്തിൽകൂടിയാണു് ആദ്യംമുതൽ അവസാനംവരെയുള്ള പോക്കു്. ഇരുഭാഗക്കാരും അവർ വിശ്വസിക്കുന്നതും സാധൂകരിയായി കരുതുന്നതുമായിരിക്കയില്ല പറയുന്നതു്. ഈ ഗതിയിൽ ബില്ലിനു് ഇടക്കുവെച്ചു് അപകടം നേരിടാൻ ഇടയുണ്ടു്.

എല്ലാ താല്പര്യങ്ങളുടേയും കുറെ പ്രതിനിധികളെ വിളിച്ചുകൂട്ടി അവരുടെ അഭിപ്രായം അറിഞ്ഞതിനുശേഷം ബിൽ ഉണ്ടാക്കാമെന്നു ഗവൺമെൻറ് വിചാരിച്ചതു വളരെ നന്നായി. ഇതിനെ തള്ളിക്കളയാതെ, ഇതു് ഉപകാരപ്രദമായ വിധത്തിൽ ഉപയോഗിക്കാമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ആലോചിക്കയാണെങ്കിൽ രണ്ടു ഭാഗത്തേക്കും ഈ ആലോചനകൊണ്ടു പ്രയോജനമാണുള്ളതു്. ഈ കാൺഫറൻസു വിളിച്ചുകൂട്ടിയവർക്കും കാൺഫറൻസിൽ പോയവർക്കും വലിയ വിഷമങ്ങളൊന്നും ഇതുകൊണ്ടു് ഉണ്ടെന്നു തോന്നുന്നില്ല. അതെല്ലാം റിപ്പീയേറു ചെയ്യേണ്ട ആവശ്യമില്ല.

Mr. M. K. Devassy *(Adur)*: I think my hon'ble friend has mis-understood me. I said that I repudiate the binding character of the provisions of this Bill.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ബഹുമാനപ്പെട്ട അഡൂർ മെമ്പറോടു എനിക്കു പറയാനുള്ളതു് ഗവൺമെൻറ് സിക്രട്ടറി അവർകൾ ചെയ്ത പ്രസ്താവനകൊ

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ണ്ടു ഒരു മെമ്പക്കു നിയമപ്രകാരമൊ മറ്റുപ്രകാരമൊ കാൺഫറൻസിന്റെ തീരുമാനം ബാധ്യമല്ല എന്നുള്ളതാണു്. പിന്നെ മറ്റൊരു ഒരു ബാദ്ധ്യത യുണ്ടു്.

മിസ്റ്റർ എം. കെ. ദേവസ്സി: മറ്റൊരെയനുസരിച്ചു് ബാദ്ധ്യതയുണ്ടെന്നു സമ്മതിക്കാമല്ലൊ?

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ബഹുമാനപ്പെട്ട അഡ്യൂർ മെമ്പർ സമ്മതിക്കുന്നതിൽ കൂടുതലായിട്ടു ഒന്നും അന്നു കാൺഫറൻസിൽ പോയവരും സമ്മതിച്ചിട്ടില്ല.

ഈ കാൺഫറൻസിൽ ഏതെങ്കിലും ഒരു താല്പര്യത്തിന്റെ പ്രതിനിധിയെ ഒഴിവാക്കണം എന്നുവെച്ചു് ആരെയും വിളിക്കാതിരുന്നിട്ടുണ്ടെന്നു് എനിക്കു തോന്നുന്നില്ല. ഈ ബില്ലിനു നാം എല്ലാവരും അനുമോദിക്കേണ്ടതു ബഹുമാനപ്പെട്ട കൊടുങ്ങല്ലൂർ മെമ്പറെയാണു്. കടക്കാരുടെ രക്ഷക്കുവേണ്ടി മിക്കവാറും ഏകാകിയെന്നോണം വാദിച്ചുകൊണ്ടിരുന്ന ഒരു പ്രതിനിധി ഇവിടെയുണ്ടായിരുന്നതു് അദ്ദേഹമാണു്. ബഹുമാനപ്പെട്ട കൊടുങ്ങല്ലൂർമെമ്പറേക്കാൾ, കൂടിയ ഒരു ഡെറർബന്ധു വേറെയുണ്ടെന്നു് എനിക്കു തോന്നുന്നില്ല. അദ്ദേഹം കാൺഫറൻസിൽ ഉണ്ടായിരുന്നു. വല്ലവരേയും വിട്ടുപോയിട്ടുണ്ടെങ്കിൽ അതു മനഃപൂർവ്വമല്ല. ഇവിടെ പറഞ്ഞതുപോലെ ഒരു കാൺഫറൻസു കൂടണമെങ്കിൽ ഏറെ ലക്ഷം ആളുകളേയും വിളിച്ചു കൂട്ടണം.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: ഈ രണ്ടുപേരെവിട്ടതിലാണു് വാദം.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: വല്ലവരേയും വിട്ടുപോയിട്ടുണ്ടെങ്കിൽ അതിൽ ഒരു മനഃപൂർവ്വവുമില്ല. കാൺഫറൻസിന്റെ തീരുമാനങ്ങൾക്കു് ഈ സഭയ്ക്കു യാതൊരു ബാദ്ധ്യതയുമില്ല. ഈ ബില്ലിൽ ന്യൂനതകളുണ്ടെങ്കിൽ അതൊക്കെ മാറ്റാവുന്നതാണു്. കാൺഫറൻസു വിളിച്ചു കൂട്ടിയവരും കാൺഫറൻസിൽ പോയവരും ഒരു ഉപദ്രവവും ഉണ്ടാക്കീട്ടില്ല. ഇങ്ങിനെയുള്ള ഒരു നടപടി ശവമ്മെണ്ടു തുടരുന്നതു് നല്ലതാണു്. ശവമ്മെണ്ടു് എന്തെങ്കിലും ചെയ്യുവാൻ പോകുന്നുണ്ടെങ്കിൽ ജനപ്രതിനിധികളെ വിളിച്ചുകൂട്ടി അവരുടെ അഭിപ്രായത്തോടുകൂടി പ്രവൃത്തിക്കുന്നതു വളരെ നല്ലതാണെന്നാണു് എനിക്കു തോന്നുന്നതു്.

പിന്നെ ബഹുമാനപ്പെട്ട അഡ്യൂർ മെമ്പർ പറഞ്ഞതുപോലെയുള്ള മാറ്റങ്ങൾ ഈ ബില്ലിൽ വരുത്തുന്നതു് അത്യാവശ്യമായിരിക്കും. കാൺഫറൻസിൽ കടക്കാരും കടംകൊടുത്തവരും തമ്മിൽ എങ്ങിനെ സൌഹാർദ്ദമായി പെരുമാറി ഒരു തീരുമാനത്തിൽ വന്നുവൊ, ആ തീരുമാനത്തിന്റെ ശേഷവും, അതെ സൌഹാർദ്ദത്തിൽ നിന്നു കൊണ്ടുതന്നെ ബഹുമാനപ്പെട്ട അഡ്യൂർ മെമ്പർ പറഞ്ഞതുപോലെയുള്ള മാറ്റങ്ങൾ വരുത്തുവാനും സാധിക്കുമെന്നാണു് എനിക്കു തോന്നുന്നതു്. ഈ മാറ്റങ്ങൾ വരുത്താതെ ശവമ്മെണ്ടു് ഈ ബില്ലുകൊണ്ടു പോയാൽ ശവമ്മെണ്ടു് ഉദ്ദേശിക്കുന്നിടത്തോളം പ്രയോജനമുണ്ടാകയില്ലെന്നാണു ഞാൻ പറയുന്നതു്. മുതൽ വെട്ടിക്കുകയും ഇന്നുവേണ്ട, മുതൽ എന്നു പറഞ്ഞതു് മുതൽ തന്നെയായിരിക്കണം. അതു ഇൻറസ്റ്റും കാരണവുണ്ടു് ഇൻറസ്റ്റും എല്ലാം ചേർത്തു മുതലായിരിക്കരുതു്.

പിന്നെ ബഹുമാനപ്പെട്ട കോമേഴ്സു മെമ്പർ പറഞ്ഞ കാര്യം വളരെ സങ്കടകരമായ മട്ടാണു്,

(1)—

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മിസ്റ്റർ എം. കെ. ദേവസ്സി: അദ്ദേഹം കോമേഴ്സു മെമ്പറല്ല.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: എങ്കിലും കോമേഴ്സിന്റെ പ്രാതിനിദ്ധ്യം വഹിക്കുവാൻ സർവ്വഥാ യോഗ്യനായ അദ്ദേഹം പറഞ്ഞതും കടം വന്നതു് ഉപേക്ഷകൊണ്ടാണെന്നാണു്, ഈ രാജ്യത്തു് നടക്കുന്ന പേക്കൂത്തു കടം വന്നതു് അവരുടെ നെഗ്ലിജൻസു കൊണ്ടാണെങ്കിൽ തരക്കേടില്ല. ഒരു രാജ്യത്തെ ഭൂരിപക്ഷം പേരും കാണിക്കയാണെങ്കിൽ അതായിരിക്കും സദാചാരമായി എടുക്കുന്നതു്. കടക്കാരുടെ പേരിൽ ദയവില്ലാതെ ഈ മാതിരി അഭിപ്രായങ്ങൾ പറയരുതു്. ഇപ്പോഴത്തെ കടത്തിന്റെ സ്ഥിതിയുടെ എ. ബി. സി. ഡി. അറിയുന്ന ആളുകൾ മേൽപറഞ്ഞമാതിരി അഭിപ്രായം പറയുകയില്ല.

ബഹുമാനപ്പെട്ട അഡ്യൂർ മെമ്പർ അവർകൾ പറഞ്ഞമാതിരി മാറ്റങ്ങൾ ഈ നിലയിൽ ആവശ്യമാണു്. പരസ്പരസഹായസംഘങ്ങളെ ഇതിൽ ഉൾപ്പെടുത്തണമെന്ന വാദിച്ചു കേട്ടു. ആ വാദത്തോടു യോജിക്കുവാൻ എനിക്കു ധൈര്യമില്ല.

എന്നാൽ അതുപോലെ പാലിയത്തേയും മറ്റു എസ്റ്റേറ്റുകളേയും ഒഴിവാക്കുവാൻ പോയാൽ വലിയ വിഷമങ്ങളുണ്ടാകും. മറ്റു ക്രഡിറ്റർമാരെ പോലെതന്നെയാണു് പാലിയവും. ഗവർമ്മെണ്ടു് പാലിയം എസ്റ്റേറ്റിനു് ഏറ്റതുകൊണ്ടു് ഒഴിവാക്കണമെന്നു പറഞ്ഞാൽ മറ്റുള്ളവരും അതുപോലെയാണു്, പാലിയത്തിൽനിന്നു സല്പം കുടിശ്ശിക കുറവുകൊടുത്തിട്ടുണ്ടു് എന്നു പറയുന്നു. പക്ഷെ വലിയ കുറവാനും കൊടുത്തിട്ടില്ല. അതുകൊണ്ടു് പാലിയം മുതലായ എസ്റ്റേറ്റുകളെ ഈ ബില്ലിൽനിന്നും ഒഴിവാക്കുവാൻ നിവൃത്തിയില്ല. ഇതെല്ലാം ചെയ്താലും ബഹുമാനപ്പെട്ട ഗവർമ്മെണ്ടു് സിക്രട്ടറി പറഞ്ഞതുപോലെ, മദ്രാസു് ബില്ലിന്റെ മാതൃകയിലുള്ള ഒരു ബില്ലല്ല ഇതു്. മദ്രാസു് ബിൽ മുതൽവെട്ടിക്കുറക്കുവാൻ. ഈ ബില്ലു് മുതലിൽ തൊടുന്നില്ല. ഈ രണ്ടിനേയും അടിസ്ഥാനം ഒന്നാണെന്നു പറയാൻ നിവൃത്തിയില്ല. എങ്കിലും ഇതു കഴിയുന്നതും നന്നാക്കി എടുക്കയാണു വേണ്ടതു്.

കടക്കാർക്കു് ഒരു വലിയ വിഷമം ഇതിലുള്ളതു്, കടം കുറച്ചു കൊടുത്താൽ ബാക്കിയുള്ള പണം വേഗമുണ്ടാക്കിക്കൊണ്ടുവരണമെന്നു പറയുന്നതാണു്. പണം എവിടെനിന്നു കിട്ടും? സെലക്ടു് കമ്മിറ്റി ആലോചിക്കുവാനുള്ള പ്രധാനകാര്യം കടക്കാരന്റെ പാമ്പു കടത്തിനു് എടുപ്പിക്കണം എന്നുള്ളതാണു്. ഇപ്പോഴത്തെ വില അനുസരിച്ചു വസ്തു എടുക്കണം. കടം കൊടുത്തവർക്കു കടം പിരിയാതെയാൽ അവസാനം കിട്ടുന്നതും വസ്തുവല്ലെ?

പിന്നെ ഈ ബില്ലുപ്രകാരം, പലിശയൊക്കെ ഒന്നായി നിബ്ബന്ധിച്ചു എഴുതി വാങ്ങിയ ക്രഡിറ്റർ മിടുക്കനും പലിശ കിട്ടുന്നതിനു നിബ്ബന്ധിക്കാത്ത ക്രഡിറ്റർ വിഡ്ഢിയുമാകുന്നു എന്നാണു". അതിനു ബഹുമാനപ്പെട്ട അഡ്യൂർ മെമ്പർ പറഞ്ഞതുപോലെ ഒരു ക്ലിപ്തകാലാവധി വെക്കണം. ഒരു ക്ലിപ്തകാലംവെച്ചു് ആ കാലംവരെയും മുതലിൽകൂടി വല്ലതായ പലിശയെങ്കിലും വിട്ടുകൊടുക്കണം. ഗവർമ്മെണ്ടും നിയമസഭയും ഈകാര്യത്തിൽ യോജിച്ചു ഒരു നില എടുക്കയാണെങ്കിൽ വലിയ ഉപകാരമായിരിക്കും. ഗവർമ്മെണ്ടു് ഇതിൽ കാണിച്ച സന്മനോഭാവത്തിനും, ഇനി ഇതു് കടക്കാർക്കു കൂടുതൽ ഋണകരമാകത്തക്കവിധത്തിൽ പരിഷ്കരിക്കുന്നതിനുള്ള സന്മനോഭാവത്തിനും, ഞാൻ വളരെ നന്ദി പറഞ്ഞുകൊള്ളുന്നു.

*Mr. P. Govinda Menon *(Mulakunnathukavu)*:—I believe there will be very few persons now with a sense of pratical

* Speech not corrected by the hon'ble member.

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politics who would oppose the principles of this Bill. A debt relief legislation has been enacted and it is working properly in the neighbouring province of Madras and that legislation has, to a certain extent, helped our Government in easily passing through a legislation of this type in our country. Now that we are practically agreed that a debt relief legislation is necessary in our State and now that the matter is going to be considered by the Select Committee, I would like to throw out a few suggestions by way of improving upon the provisions of this Bill. We have first of all to consider what are the fundamental assumptions under which the Bill has been introduced. The fundamental assumptions are that there has been a very bad economic depression, that the agriculturists of this State are in debts and that it is now time for the Government to step forward and grant relief to them. My duty will be to see how far the different provisions of this Bill are enough to eradicate the evils that have spread in our country on account of the economic depression and consequent indebtedness of the agriculturists.

In this connection I would simply throw out certain defects which I find on a reading of the Bill and one by one in the order in which it appears in the Bill I will now point out them for the benefit and consideration of the Select Committee.

With respect to section 3 (2) (*b*) i. e., regarding definition, where it is stated that a person who has within the two years immediately preceding the first Chingam 1114 been assessed to profession tax on a half-yearly income of Rs. 300 and above, such a person is exempted from the provisions of this Bill, I would point out the instance where that exemption will lead to absurdities. On account of the existence of Municipalities in 5—6 places in the State there are several small persons who are assessed to profession tax. For example, a clerk drawing a pay of Rs. 50 within the Municipality of Irinjalakkuda will be assessed to profession tax and he will be exempted from the provisions of this Bill. An equally urban place —take Vadakkancheri for instance—where there happens to be no Municipality the Magistrate of that place is not paying profession tax. That Magistrate, if he has a debt, is not exempted. He gets the benefit of this Bill. Such absurdities will follow. Therefore a small clerk in a Municipality will not get the benefit of this Bill while a Magistrate drawing higher pay in non-municipal areas will get the benefit of this Bill. So clause (*b*) should be deleted in order that such absurdities may not come up.

With respect to clause (*d*) of sub-section (2) exempting persons who pay a land revenue of Rs. 500 or more from the benefit of this Bill, I would submit, it defeats the very purpose for which the Bill

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is enacted. You agree that a 1,000 zeroes will not make 1 unit. These landlords being really made up of 1,000 zeroes, because what they want to get is from the agriculturists who are not paying regularly, will not get the benefit of this Bill. Therefore the jenmis of this State who pay more than Rs. 500 as land revenue should be considered to be agriculturists for the purpose of this Bill because the greater the extent of the land, the greater the land revenue they are paying and the higher their debts will be. Their income is solely from the agriculturists tenants, their income is solely by way of paddy. The jenmis of the lands have got very huge debts and to exempt them from the provisions of this Bill will be doing a very bad act of cruelty to the jenmis of this State. In this connection, I regret very much that the representative of the jenmis could not get a place in the Select Committee in order to place his view-point before the Select Committee.

Then coming to section 4(1)(*d*) exempting Co-operative Societies, I do not agree with my hon'ble friend Mr. Ayyappan or Mr. Govinda Pai that Co-operative Societies should be exempted. If on the account of the deletion of that clause the credit Co-operative Societies of our country would get ruined, I for one would say it is a consummation devoutly to be wished for, because, if you go to the village parts you will see that the indebtedness of the ryots is mainly due to these Co-operative Societies who are charging very high penal interest and who are exempted from the ordinary law of the land. When this extraordinary debt relief is going to be enacted if you are going to exempt the Co-operative Societies I do submit that the agriculturists of our country will be hard hit by that. There is no reason why the Co-operative Societies should be exempted. At least the rate of interest should be reduced.

There is another section under which public limited companies are allowed to take only up to a maximum of 9 per cent interest. At least that provision should be made applicable to Co-operative Societies. Otherwise very many debtors will not get the benefit of the proposed legislation. Several other defects are due to unimaginative copying of the Madras Act. While certain beneficial provisions of the Madras Act have been omitted certain other sections which are not very necessary for our State have been copied. For example clause (*g*) in section 4 (1), "where any debt or debts due to a woman or minor at the commencement of this Act, who on that date did not own any other property, provided that the principal amount of the debt or debts did not exceed Rs. 3,000, is exempted". There is a history behind that section. When the Madras Bill was originally published that section was not there. Very many trenchent criticisms appeared in the papers of the Madras Province against the

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Bill. One of them was a recent criticism from Mr. Venkatrama Sastri in which he pointed out how widows whose only sustenance will be a certain amount of money invested under securities or pronotes from agriculturists will be very hard hit, if they are not exempted from the adverse provisions of the Bill. In order to placate Mr. Sastri I believe that provision was introduced by the Congress leader in the Madras Assembly. But the conditions obtaining in Tamil Nadu and the Madras Presidency are not equally obtaining in our land. Therefore, I think that provision the Bill should be deleted. Otherwise very many hardships will follow. "Any debt or debts due to a woman who on that date did not own any other property", thus runs the section. Without casting any reflection I may submit that in the case of women in many cases their property is the husband. There will be women—wives of people drawing Rs. 800 and more who will be exempted from the provisions of this Act because they have no property. In the following explanation, what is property is not defined. I would welcome very much if property is defined as including a husband who gets a good income. Otherwise very many debtors will not get the benefit of the Bill. Other consequences also will follow. There will be a very affluent tarawad or a joint family to which a woman may belong and she may have let out money on very high usurious interest, and it may be a very hard case. It is generally the case in our country. If you take statistics you will find that in many cases, especially in my community, the creditors are women and if you investigate the matter you will find that they will have no property in the strict sense of the term. They may be members of very affluent tarawads and they will not be widows. They may have other sources of income (*Laughter*) and to exempt them from the provisions of this Bill—I do mean it seriously-Sir, it will be very hard. In the Madras Bill, as I said, it is widow. Here it is minor or woman. In Madras on account of the peculiar system of the law among the Brahmins and a large section of the Hindus once there is a marriage and the husband dies, there will be several widows who will be earning their livelihood by a few thousands of rupees which they have invested either in loans or upon pronotes of rich agriculturists. There will be several such cases in the Madras Presidency. But such cases are very few and far between so far as our country is concerned. Therefore that clause (*g*) will cause very great hardship to several debtors. That clause has to be deleted.

Then as has been pointed out by my hon'ble friend Mr. Ayyappan, in regard to clause(*h*) (2) where the Government is given the discretion to exempt by notification in the Cochin Government Gazette any institution or Estate which is under the direct control and management of the Government, I want to reiterate the objection with

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regard to the exemption of the Estates under the management of the Government.

Coming to clause 9 section (*a*) where the creditor a public company, is exempted from the provision of this Bill, I do understand that this is also one of the agreements which were reached at the so-called conference which was held, I take it, in the Diwan's House. Now Public Companies or Banks in our country are in many instances not banks properly so called. They are only lending companies. They are only hundi merchants. The only difference between public companies and hundi merchants being the promotors of these public companies had wisdom enough to see that their liabilities are limited by registration. Therefore to exempt the public companies or to fix the maximum of interest at 9 per cent which this company can levy is a thing which is extremely objectionable. If this is accepted and if the 9 per cent maximum is fixed for public companies I do not understand why private companies should not be given the benefit of this provision. I cannot see any difference in principle between the working of a public company and a private company.

Then coming to clause 11 (2) I think this is a provision which is fraught with very many mischievous sections not intended or thought of by the framers of this Bill. That clause says that where the creditor has got a loan upon property as contemplated by clause 4 of section 56 of the Transfer of Property Act the provisions of this Act will not apply. I shall illustrate what is meant by that clause for the benefit of those of my friends who have not understood what it is. Suppose in the year 1106 a person *A* sold property to a person *B* for Rs. 5,000. Rs. 4,000 was paid in cash and for the balance a mortgage was executed, upon the same property which was assigned to B. Now this section says that in such cases the provisions of this Act will not be applicable to the debtor. In other words in 1105 when the property was bought instead of mortgaging the same property the assignee or the person who bought the property had mortgaged any other property he would have got the benefit of this Bill. If you agree that this legislation is brought forward because there is a very great depression prevalent in our country, because you agree that the value of the property has gone down and the value of the agricultural products has also gone down, I do not understand why this exemption should be there. If the assignor in 1105 instead of investing Rs. 1,000 in that property which he assigned, took the mortgage from a different person he will be benefitted by this legislation. Therefore I see neither reason nor principle underlying the exemption contemplated by the clause 11 (2). It will really hit very hard many of the agriculturists in our country. If you will also agree that in passing this Bill you do not inquire or go into the

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origin or nature of the debt as has been demanded by several of the creditors when similar legislation came before other assemblies, you will agree with me that this exemption should be removed. In many cases if you will investigate into the origin of the debts you will find that they may be due to litigation, they may be due to feasts and ceremonies like marriages,etc., conducted, they may be due to the property hunger of the debtor, they may be due to several other causes. If we are agreed that in passing this legislation we are not going to investigate into the origin of the debt I see no reason why the exemption contemplated under the section should be there. The best part of the proposed legislation is that part which deals with the relationship which exists between landlord and tenants. While it is hitting the landlord very much on account of the exemption of landlords paying Rs.500 and above by way of land revenue it is really going to be useless so far as the tenants are concerned, on account of sections 16 and 17. You will agree with me that no tenant in our country will ever be able to pay 3 years' pattam together in one year. If the tenant is to get the benefit of this legislation he must pay 3 years' pattam on fixed dates in the very same year 1115. It is very doubtful whether when this Bill becomes law and when before the last day of Thulam 1115, the tenant is able to pay only Rs. 50 when Rs. 55 is due, and the tenant applies for adjournment for paying the balance of Rs. 5, he will be allowed adjournment. It will be beyond the jurisdiction of any court. A decision of one of the High Courts has been brought to my notice where it has been held that it is beyond the powers of a court to give such an adjournment. That being so, to insist that in order to entitle the tenant to get the benefit of this legislation he must deposit in court the 3 years' pattam in the year 1115, is at once stating in unambiguous terms that the tenants are not going to get the benefit of this legislation. In one sense I regret very much that the Member for Jenmis opposed this measure because as I can see the jenmis are most benefitted if this Bill becomes law, as it is. What jenmis want now is some cash and if the tenants are prepared to pay 3 years' pattam together in one year I am sure most of my jenmi friends wlll remit the whole of the arrears. Therefore it is a provision which is extremely detrimental to the tenants concerned.

There is another aspect of the problem of landlords and tenants as handled in this Bill which is extremely harmful to the jenmis concerned. Now pattam whether in kind or cash is defined in this Bill. If you say that this Bill has been necessitated by economic depression, I wonder, I fail to understand why there should be any remission at all where pattam in kind is concerned. Where pattam is to be paid in paddy no tenant can complain that the economic depression has hit him. In such cases where the tenant

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does not pay and where the pattam is in arrears, it is only the tenant's fault. It is a fit case where we can say it is on account of the negligence, wilful or criminal, on the part of the tenants concerned. I can agree if this Bill has been brought forward in this House on account of the failure of harvest and on account of such other things and then I can understand why such a measure would be there. Therefore it is extremely inequitable to include 'Pattam in kind' in 'Pattam' as defined in this Bill. It is extemely harmful to the jenmis concerned. Then an alternative that I would suggest is: In section 16 where it is stated that 3 years' pattam should be paid in the year 1115, I would say that consistent with the logic, consistent with the relationship of creditor and debtor as contemplated in this Bill, pattam up to 1st Chingam 1107 should be wiped off. There should be no arrears of pattam up to 1st Chingam 1107. It may be wiped off. Arrears after 1st Chingam 1107, I mean pattam in money, must be scaled down according to a certain ratio as in the case of interest. In this Bill, in the case of a creditor and a debtor, the creditor has not been placed in an extremely good position like the jenmi by laying down that the scaled down debt may be paid in three instalments in the year 1115, or by the end of Makaram a certain portion and the rest by the end of Karkadagam 1115. If that would have been done then the position would have been logical. The relationship of landlord and tenant and the creditor and debtor in the Bill would have been similar. Instead of doing that the debt is scaled down and no time is fixed for payment. In the case of the jenmi if the pattam is not paid within the period specified, he will not be adversely affected by the scaling down. Therefore, what I would suggest is this. The pattam after 1st Chingam 1107 may be scaled down by devising some formula by the Select Committee. The jenmis should be allowed to proceed against the debtor for the scaled down pattam. While this Bill lays down that in future, interest in the case of agriculturists' debts must not exceed six per cent, it is extremely significant that there is no provision in the Bill with regard to future pattam. I would, therefore, suggest that where pattam in money is concerned, just as there is a provision that interest in future must be limited to six per cent per annum, pattam in money also should be scaled down according to a certain ratio, unless Government comes forward with a further notification that the economic depression has passed away and that the original pattam as fixed by contract should be realised. Therefore what I am driving at is that the relationship of landlord and tenant and that of creditor and debtor has not been logically dealt with in this Bill. In several respects, the problem of landlord and tenant has been mishandled. I would suggest that suitable amendments may be introduced in this respect so as to protect the

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interest of the jenmis so far as pattam in kind is concerned and to so modify the Bill that the provision may be really beneficial to the tenants. The provision in the Bill that unless pattam is paid in the year 1115 itself they won't get the benefit may be so modified as to be really beneficial to the tenants affected by the economic depression. I have nothing further to point out by way of amendments in the several provisions of the Bill. I take this opportunity for congratulating the Government for coming boldly forward with a measure like this and I do believe that the defects which I pointed out are not intentional, that they crept in on account of either want of time or want of proper scrutiny and that these suggestions will receive proper attention and consideration at the hands of the Select Committee and the Government.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, കൊച്ചി സംസ്ഥാനത്തിൽ ഇങ്ങിനെയൊരു ബിൽ ഗവമ്മെണ്ടു ഭാഗത്തു നിന്നു കൊണ്ടുവന്നതിൽ ഈ അവസരത്തിൽ ഗവമ്മെണ്ടിനെ അഭിനന്ദിച്ചുകൊള്ളുന്നു. ഇങ്ങിനെയൊരു കഷ്ടകബിൽ കൊണ്ടുവരുന്നുവെന്നു കേട്ടപ്പോൾ തന്നെ കഷ്ടകർക്കു് അതുകൊണ്ടു വലിയ ഗുണമാകുമെന്നും പൂർണ്ണമായും കഷ്ടകർ കടത്തിൽ നിന്നു വിമുക്തരാകുമെന്നും ഞാൻ വിശ്വസിച്ചിരുന്നു. കഷ്ടകരുടെ രക്ഷയ്ക്കനുസരിച്ചു ഒരു ബില്ലായാലെ അതുകൊണ്ടു് വിചാരിച്ച ഗുണമുണ്ടാകയുള്ളു.

എന്നാൽ കഷ്ടകൻ എന്ന പദം ഗവമ്മെണ്ടു് വ്യാഖ്യാനിക്കുന്ന തരത്തിലല്ല ഞാൻ കരുതുന്നതു്. ഗവമ്മെണ്ടുദ്ദേശിക്കുന്ന കഷ്ടക പദത്തിൽ എല്ലാ കഷ്ടകന്മാരും ഉൾപ്പെടുന്നില്ലെന്നാണു ഞാൻ സംശയിക്കുന്നതു്. സാധാരണയായി ഗവമ്മെണ്ടുദ്ദേശിക്കുന്നതു് പട്ടയദാരന്മാരെ എല്ലാപേരേയും കഷ്ടകന്മാരായിട്ടാണു്. എന്നാൽ പട്ടയദാർന്മാരെല്ലാവരും കഷ്ടകന്മാരല്ല. ജന്മികൾ കൃഷിക്കാരല്ലെങ്കിലും കഷ്ടകനായി കരുതുന്നു. ഇതുപോലെ പട്ടയമില്ലാത്ത ഒരു വൈരുദ്ധ്യമാട്ട കുടിയാൻ ഈ കഷ്ടകപദത്തിന്നർത്ഥമാകുന്നു.

എന്നാൽ ഭൂരിപക്ഷം കഷ്ടകരേയും ബില്ലിൽനിന്നു പുറത്തു നിറുത്തികൊണ്ടാണു്, ഒരു കഷ്ടകനായി കരുതാതെയാണു്, കാഷ്ടികാശ്വാസവും ആനുകൂല്യവും ചെയ്തിട്ടുള്ളതു്. അതുകൊണ്ടു് സാക്ഷാൽ കുടിയാന്മാരുടെ ഇടയിൽ നിന്നുള്ള മുറവിളിക്കു് യാതൊരു പരിഹാരവും ഇല്ലാതെ വരുന്നു. ഗവമ്മെണ്ടു ബില്ലിൽ ഇവരെ കൂടി ചേർക്കാൻ വിചാരിക്കുന്നുണ്ടെങ്കിൽ മാത്രമെ ഇങ്ങിനെയൊരു ബിൽകൊണ്ടുവരേണ്ടതുള്ളു. സാമ്പത്തികാധഃപതനം കൊണ്ടും ഉൽപന്നങ്ങളുടെ വിലക്കുറവു കൊണ്ടും ഇവർ വല്ലാതെ കഷ്ടപ്പെടുന്നു. ഉൽപന്നങ്ങളുടെ വിലക്കുറവു കൊണ്ടു് ജന്മിക്കല്ല കുടിയാനാണു ഭാരം കൂടുന്നതു്. ആരു് ഭൂമികൾ കൈവശം വെച്ചു പ്രയത്നിച്ചു ഫലമെടുക്കുന്നവൊ അവരാണു് സാക്ഷാൽ കഷ്ടകർ എന്നാണു് ഞാൻ വിശ്വസിക്കുന്നതു്. അവരാണു് ഉൽപന്നങ്ങളുടെ വിലക്കുറവു കൊണ്ടു കഷ്ടപ്പെടുന്നവർ. ഉൽപന്നങ്ങളുടെ വിലക്കുറവുകൊണ്ടു് വസ്തുവിൽ നിന്നു കിട്ടിവരുന്ന തുച്ഛമായ ആദായം കൊണ്ടു അവർക്കു ജീവിതത്തിനു് നിവൃത്തിയില്ലാതേയും ജന്മിക്കു ഭോഗം കൊടുക്കാൻ സാധിക്കാതേയും കഷ്ടപ്പെടുന്നു. സാമ്പത്തികാധഃപതനമുണ്ടായ ഫറൂ മുതൽ കഷ്ടകരും അധഃപതിക്കുവാൻ തുടങ്ങി. ജന്മിഭോഗം കൊടുക്കാൻ നിവൃത്തിയില്ലാതെ അവർ കഷ്ടപ്പെടുന്നു. അതിൽ നിന്നു അവരെ രക്ഷിക്കണമെങ്കിൽ, ഉദ്ധരിക്കണമെങ്കിൽ മേലാൽ കൊടുക്കേണ്ട പാട്ടം മിച്ച

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വാരം ഇവയിലും ശരിയായ എന്തെങ്കിലും ഒരു കുറവു വരുത്താതെ സാധിക്കുകയില്ല. അതിനു് ഈ ബില്ലിൽ യാതൊരു ആനുകൂല്യവും കാണുന്നില്ല-വന്നിട്ടുള്ള കടത്തിൽ ഇളവു വരുത്തീട്ടുണ്ടെന്നല്ലാതെ കർഷകരുടെ മേലാലുള്ള രക്ഷയ്ക്കു യാതൊരു വ്യവസ്ഥയും നിർദ്ദേശിക്കുന്നില്ല. അതിനാൽ സെലക്ട് കമ്മിറ്റി കർഷകരുടെ മേലാലുള്ള പാട്ടം മിച്ചവാരം ഇവയുടെ കാര്യത്തെക്കുറിച്ചു കൂടി ശ്രദ്ധിക്കേണ്ടതാണു്.

രണ്ടാമതായി പറയാനുള്ളതു കാണക്കുടിയാന്റെ കാര്യമാണു്. കാണക്കുടിയാൻ ജന്മിക്കു് വസ്തുവിന്റെ വിലയിൽ ഏതാണ്ടു സിംഹഭാഗം ആദ്യമെ തന്നെ കൊടുത്തിട്ടുണ്ടു്. പിന്നെ പന്ത്രണ്ടു കൊല്ലം വീതം കൂടുമ്പോൾ കാണസംഖ്യയുടെ ൨൫% ജന്മിഭോഗമായി പുതുക്കി എഴുതി കൊടുപ്പാൻ നിർബ്ബന്ധിതരാകുന്നു. ഇതരത്തിൽ കാണക്കുടിയാന്മാരും ജന്മിഭോഗം കൊടുക്കാൻ നിവൃത്തിയില്ലാതെ കഷ്ടപ്പെടുകയാണു്. അവരുടെ കഷ്ടതകൾക്കും ശമനമുണ്ടു വേണ്ടതുക്ക പരിഹാരമുണ്ടാക്കണം. അതായതു സാമ്പത്തികാധഃപതനം മാറുന്നതുവരെ ഈ പൊളിച്ചെഴുത്തു നിറുത്തിവെക്കണം.

ഇതിനും പുറമെ ദേവസ്വത്തേയും എസ്റ്റേറുകളേയും ഈ ബില്ലിൽ നിന്നു ഒഴിച്ചു നിറുത്താൻ പാടുള്ളതല്ല. ബാക്കിയുള്ള ജന്മികളുടെ നിലയിൽ തന്നെ ഇവരേയും കണക്കാക്കണം. മറ്റു കുടിയാന്മാരേയും കർഷകന്മാരേയും പോലെ തന്നെ കഷ്ടതയനുഭവിക്കുന്നവരാണു് ഇവരുടെ കീഴ് കുടിക്കാരും. ദേവസ്വങ്ങളാണെങ്കിൽ സാമ്പത്തിക നിലയിൽ വളരെ ഉയർന്നു നില്ക്കുന്നവയാണു്. ഇവയിലെ കുടിയാന്മാരെ ഇതിൽ നിന്നു ഒഴിവാക്കിയാൽ ഈ ബിൽ കൊണ്ടു കൊച്ചി രാജ്യത്തിലെ ൧൦ ശതമാനം പേർക്കും യാതൊരു ഗുണവും സിദ്ധിക്കുന്നതല്ല.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: അവരെ ഒഴിവാക്കിട്ടില്ല.

മിസ്റ്റർ ബി. എം. പീറർ: ഇപ്പോൾ ഒഴിവാക്കീട്ടില്ലെങ്കിലും ഒഴിവാക്കാനല്ലേ ഉദ്ദേശിച്ചിട്ടുള്ളതു്. അവരെ ഈ ബില്ലിൽ നിന്നു ഒഴിച്ചുനിറുത്താതെയിരിക്കേണ്ട ചുമതലയും അധികാരവും സർക്കാരിനുണ്ടു്.

പിന്നെ ഒരു കുടിയാന്റെ പാട്ടബാക്കിയിൽ കുറവു വരുത്തണമെങ്കിൽ അവൻ നെ കൊല്ലത്തെ പാട്ടബാക്കി ഒരു കൊല്ലം കൊണ്ടു് അടച്ചുതീർത്തിരിക്കണം എന്ന വ്യവസ്ഥ മാറണം. ൧൯൩൫, ൧൯൩൬, ൧൯൩൭ മുതലുള്ള പാട്ടബാക്കി ൧൯൪൫-ൽ അവൻ ഒന്നിച്ചു കൊടുക്കേണ്ടി വരുന്നു, അതു സാധ്യമാണൊ? കൊടുക്കാൻ നിവൃത്തിയില്ലാത്തതു കൊണ്ടാണു ബാക്കി വന്നിരിക്കുന്നതു്. അതു നെ കൊല്ലത്തേയും ഒന്നിച്ചു കൊടുക്കണമെന്നു ഒരു വ്യവസ്ഥ വെയ്ക്കുന്നതു്, ഈ ബിൽകൊണ്ടു് ആർക്കെങ്കിലും എന്തെങ്കിലും ഗുണം കിട്ടുമെന്നുണ്ടെങ്കിൽ തന്നെ അതില്ലാതാക്കുവാനാണു്.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: ഒരിക്കലും കൊടുക്കേണ്ട എന്നാണൊ പറയുന്നതു?

മിസ്റ്റർ ബി. എം പീറർ: ഒരിക്കലും കൊടുക്കേണ്ടെന്നു പറയുന്നില്ല. സർക്കാരുദ്ദേശിക്കുന്ന തരത്തിൽ കർഷകരെ ഉദ്ധരിക്കണമെങ്കിൽ ഇങ്ങിനെ ചില വ്യവസ്ഥകൾ ബില്ലിൽ ഭേദഗതി ചെയ്യണം. ഇത്രയും പറഞ്ഞുകൊണ്ടു ഞാൻ അവസാനിപ്പിക്കുന്നു.

Mr. M. L. Joseph *(Latin Xians-Cranganur)*: Mr. President, Sir, while I subscribe to every word that has been said by my hon'ble friend for Adur, I do not want to go to the extent of congratulating the Government as many other hon'ble members have done. Because, I do believe that in bringing forward this Bill the Government have done nothing more than partially discharging a great duty which they owe to the agriculturist population of Cochin.

Now coming to the Bill itself, I think I will be permitted to say a few words with regard to the slight controversy that has been going on with regard to the conference that was convened by the Diwan at the Diwan's House. I appreciate the principle underlying the calling of conferences because there may be occasions when it becomes necessary for the Government to know the representative opinion of the people. This principle I do believe may be appreciated by every member of this House as has been done by my hon'ble friend for Adur. In his speech, if I understood him correctly he opposed the method adopted in calling this particular conference. If the representative opinion of the State is that which is wanted, then in my opinion, the Legislative Council is the most representative body of this State. And if it is impossible to call together all the members of this Legislative Council for the purpose of the conference, then the Legislative Council should be allowed to exercise their legitimate right of electing their representatives to give representative opinion in that conference. What my hon'ble friend for Adur said was that by inviting individual members from the Legislative Council to attend the conference without the mandate of the members of the Council, they could do nothing more than express their individual opinion, which opinion has no binding force on anybody excepting them as long as they do not go in a representative character based on election. Moreover I cannot but condemn this policy of random picking up of members for conference purposes. Because of such picking up, I am afraid, a sort of semi-governmental party is being formed within this Council, who left to themselves would have opposed the Government on the various issues, which they are now forced to support *(Hear, hear)*.

Mr. K. M. Ibrahim *(Cranganur)*: Do you mean to say that because Mahatma Gandhi went to the Round Table Conference on the invitation of the Government, he is pro-British?

Mr. M. L. Joseph *(Latin Xians-Cranganur)*: If Mahatma Gandhi went without the mandate of the people, on his own accord, he did not go there for the people; but for the British Government *(Hear, hear)*. Therefore, Sir, I want to bring home to the Government that in calling conferences of this kind they should be guided by the principle of looking forward to representative opinion rather

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than looking forward to individulal opinion by consulting favoured members.

Mr. K. M. Ibrahim *(Cranganur):* Sir, before making a speech, I want to make clear one point, that is, with regard to this agreement of the conference in question.

Mr. Deputy President : Has Mr. Joseph finished ?

Mr. M. L. Joseph *(Latin Xians-Cranganur):* No, Sir.

Mr. K. M. Ibrahim *(Cranganur):* I am sorry. I thought he had finished his speech.

Mr. M. L. Joseph *(Latin Xians-Cranganur):* Sir, with regard to the Bill itself, almost all possible amendments have been pointed out by the other hon'ble members who preceded me and there remains very little for me to add except to strongly support the view expressed by my hon'ble friend, Mr. Ayyappan that the creditors must be forced to take properties in lieu of the debt due to them. There may be difficulties arising in the matter of the valuation of the properties for which I think the practical remedy would be for the Government to fix the value of the property village-war. The Diwan Peishkar by this time should be able to understand the qualities and prices of properties in different villages and it will be easy for him to fix the value of properties in different localities. If necessary he can divide the properties in a village into two or three classes. If the value of the property is thus fixed and if the courts are ordered that the creditors should not be allowed to bid the properties at a price less than the minimum fixed by the Government, then the poor agriculturists will be saved to a great extent.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Then the independence of the judiciary will be affected.

Mr. M. L. Joseph *(Latin Xians-Cranganur):* The independence of the judiciary will not be affected if it is done by legislation or Proclamation. With these words, Sir, I resume my seat.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I do not want to make a long speech. I want to stress only two points. First of all, that Conference has been mercilessly attacked by some of the hon'ble members and I want to acquaint the House as to what really happened.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Who convened it ?

Mr. A. V. Moothedan *(Chalakkudi) :* I will explain the whole thing.

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Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Why beat the dead horse?

Mr. Deputy President: Order, order.

Mr. A. V. Moothedan *(Chalakkudi):* During the last Vrischigam session, two Bills were introduced in this Council by the non-official members. The public feared that the fate of a non-official Bill is very uncertain and they wanted that the Government themselves should bring a Bill. The long delay in the process of Select Committee also made the people fear that nothing would take place. Therefore an All-Cochin Agriculturists Conference was held at Eranakulam on the 6th Meenam 1114, and this Conference was presided over by Rao Sahib C. V. Antony, a veteran in this matter.

Mr. P. Govinda Menon *(Mulakunnathukavu):* A veteran in what?

Mr. A. V. Moothedan *(Chalakkudi):* A veteran in the problem of debt relief. His report called the Antony Committee Report is well known. That Conference was inaugurated by no less a person than the Hon'ble the Minister for Rural Development.

Dr. A. R. Menon *(Minister for Rural Development):* On a point of information, my friend's attack was not with regard to this Conference, but with regard to the Conference that was held in the Diwan's House.

Mr. A. V. Moothedan *(Chalakkudi):* I will come to that. I am speaking of the history. That Conference was attented by Agriculturists throughout Cochin State coming even from far off Talappalli and Chittur.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Who convened that Conference? (*Laughter*).

Mr. A. V. Moothedan *(Chalakkudi):* As Chairman of the Reception Committee of the All-Cochin Agriculturists Conference I have received so many communications from all parts of the State wishing the Conference success.

Mr. Deputy President: The question of the Conference arises only as a side issue. A brief explanation of that is sufficient. A detailed explanation will take up the time of the House.

Mr. A. V. Moothedan *(Chlalakkudi):* I am trying to make it as brief as possible. At that Conference the following resolutions were passed:

"1. That in view of the unprecedented economic depression, the calamitous fall in prices of the agricultural products and the consequent

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sad plight of the agriculturists in the State, this Conference notes with great concern the inadequacy of the Debt Conciliation Board to effect amicable settlements between the debtors and the creditors and the rapidly increasing number of suits, executions, evictions and sales of properties of the agriculturists. This Conference, therefore, resolves to request His Highness the Maharaja that His Highness may be pleased to issue a proclamation, generally on the lines of "The Cochin Agriculturists' Debt Relief Bill", now before the Legislative Council, with the added provision contained in "the Cochin Debtors' Relief Bill" for giving relief to tenants by writing off arrears of pattam and michavaram with necessary modifications.

2. This Conference resolves that a Committee consisting of the following gentlemen, with power.....

Mr. M. K. Devassy *(Adur):* On a point of order, Sir. We want absolutely to dissociate ourselves with the resolutions of another Conference.

Mr. Deputy President: You need not go through all these resolutions. A brief statement will be enough.

Mr. A. V. Moothedan *(Chalakkudi):* The second resolution of the All-Cochin Agriculturists Conference appointed a deputation to wait upon the Diwan and that deputation waited on him on 11th Meenam 1114.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Is the date correct ?

Mr. A. V. Moothedan *(Chalakkudi):* Yes, quite correct *(Laughter)*.

The Diwan replied to that deputation that the Government would introduce a Relief Bill and for that further consideration is necessary and he promised to consult all the interests concerned and he convened a Conference on 17th Meenam at the Diwan's House. This Conference held at the Diwan's House is now attacked. There was no base motive on the part of the Government.

Mr. M. K. Devassy *(Adur):* Did anybody suggest that ?

Mr A. V. Moothedan *(Chalakkudi):* The hon'ble member for Adur has been vociferously attacking the Conference. In fact he has been invited to serve on the reception committee of the All-Cochin Agriculturists Conference, but he refused to do that.

Mr. Deputy President: Order, order. You should deal with the Bill and not go astray.

Mr. M. K. Devassy *(Adur):* I dare not answer him, Sir *(Laughter)*.

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Mr. A. V. Moothedan *(Chalakkudi)*: Therefore my submission is that the Conference (*Laughter*).....

Deputy President: Nothing more about the Conference, please (*Loud Laughter*). Order, order. It is highly objectionable that hon'ble members do not take care to see that the debate in the House is carried on more regularly.

Mr. A. V. Moothedan *(Chalakkudi)*: There is no use of attacking this conference (*Laughter*) at all, that is my humble submission.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: On a point of information Sir, which Conference does he refer to?

Mr. A. V. Moothedan *(Chalakkudi)*: The Conference which was referred to by the Secretary to Government and commented upon adversely by some of the hon'ble members.

Sir, I have got another suggestion to make. I agree with many of the suggestions put forth by the hon'ble members. One thing I wish to state here. While drafting this Government Bill most of the good features of the Madras Bill is seen omitted, but at the same time a fundamental error which existed in that Bill was not removed in our Bill. That is my grievance. Very recently a friend in British Cochin told me that there was a decree for 1,500 rupees. As a result of the Bill passed in the Madras Presidency, after scaling down the debt and applying the *damdupet* principle and such other things, the amount was reduced to Rs. 150; but the problem is from where to get Rs. 150. The property was worth Rs. 2,000. It was sold for Rs. 150, because there were no bidders. That was the benefit of the Madras Bill. There is nobody to advance money to clear the debt. If there is to be no settlement between the debtor and the creditor there should be some compulsion to compel the creditors to take the debtor's property instead of cash. This point has been stressed by the Ernakulam Bar Association. Without making provision for compelling creditors to take up property instead of cash, there is no use of scaling down the debt. As it has been stated in the Bible, Israils have been released from the slavery of Paroah, but they perished on the desert.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Old or New Testament? (*Laughter*).

Mr. A. V. Moothedan *(Chalakkudi)*: Old Testament.

Therefore what I submit is there should be some method for compelling the creditors to take properties instead of cash. There should be additional provisions for this purpose in this Bill. In

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Bombay where a like Bill has been introduced, there is some sort of provision for helping the debtors. There is one chapter in that Bill dealing with insolvent debtors. The debtor is given enough property to maintain himself and his family. But here, for the maintenance of the debtor, we shall set apart one-fourth of the property. The rest may be dviided among the creditors. That is what I suggest. In my opinion, the Bombay Bill is much better than the Madras Bill, in that it is more moderate and more useful. I hope that these two suggestions-compelling creditors to take properties for cash and also to leave a margin for the maintenance of the debtor and his family—will receive the careful consideration of the Select Committee.

*മിസ്റ്റർ പോപ്പട്ടലാൽ ഗോവർദ്ധന ലാലൻ: സർ, ഈ അഗ്രിക്കൾച്ചറൽ ബില്ലിനെ ഞാൻ പിൻതാങ്ങുന്നു. കഷ്ടകർക്ക് ഋണം കിട്ടുന്ന ഈ ബില്ലിനെ എതിക്കുന്നതു ശരിയല്ലെന്ന് എനിക്കറിയാം. പക്ഷെ കൃഷിക്കുകൂടാതെ മറ്റു തരത്തിൽ കടപ്പെട്ടിട്ടുള്ളവരേയും പാട്ടം മിച്ചവാരം മുതലായവ ബാക്കിവെച്ചിരിക്കുന്നവരെ സംബന്ധിക്കുന്ന ഈ ബില്ലിൽ ഉൾപ്പെടുത്തുന്നതു ശരിയല്ല. അതിനാൽ മറ്റുകടക്കാരെ ഇതിൽനിന്നു ഒഴിച്ചുനിറുത്തിക്കൊണ്ടു കഷ്ടകരമാത്രം സംബന്ധിക്കുന്ന ഒരു ബിൽ കൊണ്ടുവന്നാൽ കൊള്ളാമായിരുന്നു. കച്ചവടത്തിനുവേണ്ടി ബാങ്കിൽനിന്നു പണം മേടിക്കുന്നവർ സമയത്തിനു പണം കിട്ടാതെ ½ പണം പലിശയ്ക്ക് മേടിച്ചുവർ നൂ പണം പലിശയോടുകൂടി കയ്യിൽനിന്നും മടക്കി കൊടുക്കേണ്ടിവരുന്നു. ഇപ്പോൾ ഇങ്ങിനെയാണ് അധികംപേരും കച്ചവടം നടത്തിവരുന്നതു്. പിന്നെ വിലയിലാണെങ്കിൽ ഇന്നത്തെ സ്ഥിതിക്കു എതു ചുരുക്കി കിട്ടാൻ തരമുണ്ടോ അതുമാത്രം തക്കിച്ചാണ് ആളുകൾ സാമാനം മേടിക്കുന്നതു്. അതുകൊണ്ടു് ആ വഴിയിലും വലിയ ലാഭം കിട്ടാൻ നിവൃത്തിയില്ല. മിസ്റ്റർ അയ്യപ്പൻ പറഞ്ഞു; നിങ്ങളാരും പേടിക്കരുതു് കച്ചവടം നിന്നുപോകുമോ എന്നും മറ്റും. അതു കച്ചവടത്തിലുള്ള അനുഭവം കുറവായതുകൊണ്ടാണു്. മിസ്റ്റർ അയ്യപ്പൻ കോ-ഓപ്പറേറ്റീവു് സോസൈറ്റിയെക്കുറിച്ചു പറഞ്ഞതു ശരിയാണു്. അതു് അദ്ദേഹത്തിനു അനുഭവമുള്ളതുകൊണ്ടാണു്. അതുപോലെയുള്ള അനുഭവം കച്ചവടത്തെസംബന്ധിച്ചു് ഇല്ലാത്തതുകൊണ്ടാണു് അദ്ദേഹം ഇങ്ങിനെ പറയുന്നതു്. അദ്ദേഹത്തിനു് അനുഭവമുണ്ടെങ്കിൽ അദ്ദേഹം ഈ കാര്യത്തിൽ എന്നെ സഹായിച്ചേനെ.

അതുപോലെ തൊഴിലാളികൾക്കും ഈ ബിൽ ദോഷമാണു്. എന്തെന്നാൽ തൊഴിൽ ഇല്ലാതാകും. ഇങ്ങിനെയുള്ള ബില്ലുകളും പുതിയ ടാക്സും മറ്റുംകൊണ്ടു് ആളുകൾ വ്യവസായവും വ്യാപാരവും മറ്റും നിറുത്തി വരികയാണു്. ആളുകൾ കൃഷിക്കാരാണെന്നു പറഞ്ഞു പണം മേടിച്ചു മറ്റു വസ്തുക്കൾ ചിലവാക്കുന്നുണ്ടു്. ഓട്ടുകമ്പനിയിൽനിന്നു ഓടുമേടിച്ചു പുറമേഞ്ഞിട്ടു—വലിയ ഉദ്യോഗസ്ഥന്മാർ വരുമ്പോൾ അവരെ സ്വീകരിക്കുന്നതിനും മറ്റും ഇങ്ങിനെ വല്ല കെട്ടിടം കെട്ടി—കടം വരുത്തിയാൽ ആ ആൾ ഒരു കൃഷിക്കാരനാണെന്നുവെച്ചു ഓട്ടുകമ്പനിക്കു പണം കൊടുക്കേണ്ടെന്നു പറയുന്നതു് ശരിയാണൊ? കൃഷിയുടെ ആവശ്യത്തിനല്ലാതെകണ്ടുവാങ്ങുന്ന കടക്കാരെക്കൂടി ഉൾപ്പെടുത്തികൊണ്ടുള്ള ഈ ബിൽ വാസ്തവത്തിൽ അഭാസമായ ഒന്നാണു്. ഇപ്പോൾ മേടിച്ചാൽ കൊടുക്കേണ്ടെന്നാണു് നിയമം. പിന്നെ എങ്ങിനെ കച്ചവടം നടത്തും?

*Speech not corrected by the hon'ble member.

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കച്ചവടം അഭിവൃദ്ധിയിൽ വരേണ്ടതാണാവശ്യം. ലോകത്തിന്റെ ഭാവിതന്നെ കച്ചവടത്തിലാണ കിടക്കുന്നത്. കച്ചവടം നശിച്ചുപോയാൽ ഇവരെയുള്ള ഉദ്യോഗസ്ഥന്മാർക്ക ശമ്പളം കൊടുക്കൾതന്നെ പണമുണ്ടാകയില്ല. ഇതുകൂടി ആലോചിക്കണം. ഒരു കച്ചവടക്കാരൻ ബാങ്കിൽ എഴുതിമേടിച്ചുകൊണ്ടു കടം കൊടുത്താൽ പിറെദിവസം അതു കൊടുക്കാതെ നിങ്ങൾ ഉപേക്ഷിക്കണമെന്നു പറഞ്ഞാൽ കച്ചവടക്കാരെന്തുചെയ്യും? പിന്നെങ്ങിനെ വ്യാപാരം നടക്കും?

Mr. M. K. Devassy *(Adur):* What profit do you expect?

Mr. Popatlal Goverdhan Lalan *(Commerce and Industry):* After deducting interest on investments and leaving a margin for other contingencies, give us two per cent or at least give us one per cent. We will be satisfied with that.

അതു കൂടാതെ കച്ചവടക്കാർക്ക എല്ലാവിധ കച്ചവടസഹായങ്ങളും ചെയ്തുകൊടുക്കേണ്ടതാണ്. പിന്നെ ചിലർ പറയുന്നു പണം കിട്ടാനുള്ളതിനു ഭൂമി കിട്ടിയാൽ മതി എന്ന്. ഭൂമികൂടി മേടിച്ചു വീട്ടിലിരുന്നാൽ അവരെ കൈക്കുഞ്ഞുങ്ങളുടെ കൂട്ടത്തിൽ കൂട്ടാമെന്നല്ലാതെ കച്ചവടം നടത്താൻ സാധിക്കയില്ല. പണം കൊടുക്കൽ വാങ്ങൽ ഉണ്ടെങ്കിലെ പണം വരുവാനുള്ളു.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: മദ്രാസിൽ ഈ നിയമം നടപ്പിലായി കഴിഞ്ഞുവല്ലൊ.

മിസ്റ്റർ പോപ്പട്ലാൽ ഗോവർദ്ധന ലാലൻ: അതു നടപ്പാക്കീട്ടുള്ള സ്ഥലങ്ങളിലെ കഷ്ടത അവിടെ ചെന്നാലെ മനസ്സിലാകയുള്ളു. ഞാൻ ഈയ്യിടെ പൊള്ളാച്ചിയിൽ ചെന്നപ്പോൾ അവിടത്തെ കഷ്ടതകണ്ടതാണ്. പണ്ടു കുപ്പാ കടംമേടിച്ചു അതിനുള്ള എന്തെങ്കിലും കച്ചവടം നടത്തി ജീവിച്ചുപോന്നവനു ഇപ്പോൾ അങ്ങിനെ കടം കിട്ടുകയില്ല. അതിനാൽ അവൻ പട്ടിണിയിലാണ്. അതുപോലെ കുപ്പച്ചണത്തിനുവേണ്ടി വസ്തു പണയം കൊടുക്കാമെന്നു പറഞ്ഞാലും ആരും പണം കൊടുക്കുകയില്ല. ഇതൊക്കെയാണ് ഈ ബിൽ പാസ്സാക്കീട്ടുള്ള സ്ഥലങ്ങളിലെ അനുഭവം. ഈ അനുഭവം മനസ്സിലാക്കി ഈ ബിൽ ഇവിടേയും പാസ്സാക്കുന്നതുകൊള്ളാം. ഇതു മനസ്സിലാക്കാതെ ഈ രീതിയിൽതന്നെ ഇവിടെ ഇങ്ങിനെ ഒരു ബിൽ പാസ്സാക്കുന്നതു കഷ്ടമാണ്. കച്ചവടക്കാരുടേയും തൊഴിലാളികളുടേയും കാര്യം ഗവർമ്മെണ്ടു ശ്രദ്ധിക്കണം. ചിലർ കല്യാണാവശ്യത്തിനായും വീടുപണിയ്ക്കായും കടം മേടിച്ചിട്ടുണ്ടാകും. അതൊക്കെ അഗ്രിക്കൾച്ചറൽ ബില്ലിൽ പെടുത്തിയാൽ അതു മറ്റുള്ളവരെ നശിപ്പിക്കാനാണ്. കാർഷികാവശ്യത്തിനുവേണ്ടി മേടിച്ചതാണെങ്കിൽ അവരെ സഹായിക്കേണ്ടതാണ്. അതല്ലാതുള്ള കടക്കാരെ അഗ്രിക്കൾച്ചറൽ ബില്ലിൽ പെടുത്തരുതു്. ഈ ബില്ലിൽ കാർഷികാവശ്യങ്ങൾക്കുവേണ്ടി മേടിച്ച കടക്കാരെ മാത്രമെ പെടുത്താൻ പാടുള്ളു. ഇതു മാത്രമെ ഞാൻ പറയുന്നുള്ളു.

The House rose for the day at 5 p. m.

C. J. MATHEW,
Secretary to the Council.

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